



WIP Workgroup Status Report
January 28, 2013

To: Jon Laria, Chair, Maryland Sustainable Growth Commission
Maryland Sustainable Growth Commissioners

From: Alan Girard, MSGC WIP Workgroup Chair

Subject: Watershed Implementation Plan Workgroup Status Report

As part of the Watershed Implementation Plan (WIP), the State of Maryland must submit an Accounting for Growth (AfG) Policy by December, 2013. To date, State agencies have spent much of 2012 meeting with a wide variety of stakeholder groups on this issue, compiling comments and recommendations, and developing options. The Sustainable Growth Commission's WIP Workgroup was one of the primary groups involved in these discussions, meeting several times on this issue, and submitting comments as previously reported to the full Commission.

Moving forward toward completion by the December, 2013 deadline is a two step process. The first step was the creation of a 17 member independent facilitated Accounting for Growth Workgroup with the charge of addressing the major issues identified to date and making recommendations to the State by July 2013. The Workgroup consists of representatives of the environmental, agricultural, development, local government, and private interests stakeholder groups. Several members of the Sustainable Growth Commission are also members of the Workgroup. An overview of the Workgroup, including links to membership lists, a tentative schedule of future meetings and topics, and other materials can be viewed on the MDE website at

<http://www.mde.state.md.us/programs/Water/TMDL/TMDLImplementation/Pages/AccountingForGrowth.aspx> The Workgroup met for the first time on January 18, 2013. This was primarily a kick-off meeting to discuss the charge, review background information, and receive comments on proposed Guiding Principles. A draft meeting summary is attached.

The second step of the process will be for State agencies to receive the Workgroup recommendations and then proceed through the normal regulatory processes in order to have regulations in place by the end of 2013.

DRAFT MEETING SUMMARY
Accounting for Growth Work Group
Meeting #1: 1/18/2013

In Attendance:

Work Group Members: Steve Harper, Mary Ann Lisanti, Alison Prost, Mike Powell, Lynne Hoot, Sandy Coyman, Ann Swanson, Cathy Drzyzgula, Shannon Moore, Pat Langenfelder, Katie Maloney, Erik Michelson, Tom Ballentine, Dru Schmidt-Perkins, Yates Clagett, Josh Tulkin

Work Group Alternate: Claudia Friedetzky

Support Team: George Chmael, Kate Culzoni, Brigid Kenney, David Costello, Rich Josephson, Julie Pippel, Steve Stewart, Doug Lashley, George Kelley, Les Knapp, Candace Donoho, Dusty Rood, Dave Goshorn, John Rhoderick, Dave Nemazie

Presenter: Secretary Bob Summers

Absent:

Work Group Member: Jon Laria

Support Team: Jeff Corbin, Dan Nees, Joe Tassone, Dan Baldwin

Public Attendees:

Claudia Friedetzky (Sierra Club), Valerie Connelly (MD Farm Bureau), Paul Emmart (MDE-SSA), Darrell Brown (USEPA), Elizabeth Burdick (Water Stewardship), Kimberly Golden Brandt (1000 Friends of Maryland), Marya Levelev (MDE)

Welcome and Overview

Secretary Bob Summers welcomes everyone to the first meeting of the Accounting for Growth (AfG) Work Group. He thanks the Work Group members for their commitments to this process and expressed his gratitude for their time. Secretary Summers also notes the care taken in the selection of this Work Group. He closes by highlighting MDE's expectation of the Work Group - to develop a set of consensus-based recommendations for an Accounting for Growth Program.

Facilitator, George Chmael, also welcomes everyone and introduces himself and Kate Culzoni as the Council Fire team and facilitators for the effort. He notes that Council Fire has extensive experience working on Bay issues and with diverse stakeholders including state agencies. He further notes that Council Fire and the Support Team members are here to support the Group as they work through the issues related to Accounting for Growth. He notes that the needs of the Work Group should be communicated throughout this process to the Support Team. The Support Team is made up of people that have expertise, experience and information to provide the Group and are here as a resource to all members.

Each Work Group and Support Team member in attendance gives a brief introduction and expresses expectations for the Work Group process. Comments include desires to accelerate the Bay restoration process, the importance of the approach and effects on local jurisdictions; an interest in reaching an overall consensus among the members of the Group; concerns about overall water quality; the need to reach a cost effective and equitable solution between Maryland, Virginia and Pennsylvania; the importance of land preservation, real estate development and agriculture; the risks in the AfG program and the program's relationship of the Chesapeake Bay clean-up; striking a balance between the small and large communities surrounding the Bay; the

need for greater understanding of how the credit markets operate; and the need to create policies that treat everyone fairly.

MDE Presentation

Bob Summers gives a presentation (see [AfG website](#)) to the Work Group outlining the background, framework, timeline and purpose of the AfG Work Group including:

- Development of a set of recommendations by the Work Group for an Accounting for Growth Program
- Recommendations to be submitted to MDE by June, 2013
- Recommendations to be used to guide MDE and supporting agencies (MDA, MDP, MDA and DBED) to craft policies and regulations for Maryland's AfG Program. These regulations and policies will go through an official public process and be finalized by Dec. 2013

The presentation also highlights the AfG Program background, land use history and projections, nitrogen reduction plan, the commitment to the Watershed Implementation Plan process, the benefits of nutrient trading, EPA's role and the State's consistency with State and Federal laws, regulations, policies and guidelines. The presentation also highlights the need for protecting designated uses, complying with the anti-degradation policy, and retiring portions of traded credits.

Accounting for Growth Guiding Principles

Dr. Summers and the Support Team presents the Administration and State's nine Guiding Principles (see [AfG website](#)) to provide parameters to the Work Group in its deliberations. The principles are presented, reviewed, and opened for discussion, questions and clarifications.

Work Group members raise questions regarding Principles #1 and #4 and if the Group charge is limited to developing recommendations for AfG related to TMDL requirements and/or if the charge includes finding ways to reduce current loads. Several members state that accounting for growth is a big enough responsibility while others recognize the importance of finding cost effective ways to reduce current loads as well. The Support Team reinforces the charge is to develop recommendations to account for growth but also highlights the importance the AfG program being complimentary to the goal of reducing overall load and commends the Work Group to keep that consideration in mind when developing recommendations.

Work Group members raise other points regarding the Principles to include:

- Consider adding an economic development and growth component to Principle #2.
- Consider clarifying what "remaining pollution" means in Principle #3.
- Continuously clarify throughout the process Principle #5 and the definition of an offset requirement.
- Consider combining Principle #6 and #7; others point out the difference between accountability and transparency (#6) and verification and enforcement (#7).

George Chmael notes that these Principles are meant to be guide posts for the Group in their development of AfG recommendations and adherence to these Principles will lead to facilitate inclusion in the State's eventual proposed regulations. They are benchmarks against which the recommendations should be judged. The state agencies and Support Team agree to review all comments/suggestions and consider any language changes that might be appropriate.

AfG Timeline and Schedule

George Chmael and Kate Culzoni present the draft agenda, meeting dates, meeting locations and times (see [AfG website](#)) for Work Group review. A suggestion is made to move some issues up in the schedule to solve some challenges that might make subsequent issues easier to resolve. Specifically, a suggestion is made to address the issues of Fee-in-Lieu and Grandfathering in April rather than May. The Work Group agrees. The Support Team also asks that the Group bring case studies and additional background materials to the process for consideration, and to notify Kate Culzoni if they want the Support Team to provide specific information or analysis.

ACTION: The Work Group approves the AfG Work Group Timeline and Agenda, modified per above.

ACTION: Work Group members agree to submit any additional resource materials they wish for the Group to utilize, and requests for information and analysis, to the Support Team via Kate (kculzoni@councilfire.org).

ACTION: The Support Team will conduct research for additional relevant case studies for the Work Group's use.

AfG Work Group Charter

George Chmael presents the draft Work Group Charter that governs the Work Group and its process. He highlights the need for members to bring matters to the Work Group for consideration before utilizing other venues (e.g. media). He notes that a quorum is needed to hold an AfG Work Group meeting (9 members must be present) and that the Group will strive for consensus recommendations (where everyone "can live with" the recommendation), and, in the absence of consensus, common ground achieved and the remaining differing views (identified by organization) will be documented.

Kate Culzoni notes all post-meeting materials will be mailed one week after each meeting and all pre-meeting materials will be mailed one week prior to each meeting and also be posted on the [AfG website](#). The Work Group also agrees that members may send a representative in their place if they are unable to attend a meeting. Each member will provide notification to the Support Team (via Kate Culzoni at kculzoni@councilfire.org) in advance.

ACTION: The Work Group approved the Work Group Charter without change.

Next Steps

George Chmael announces that the next meeting will be held on February 15, 2013 at 12:30 p.m. at DNR and that a summary of the meeting will be emailed to members by Friday, January 24th. George Chmael and other Support Team members thank all attendees for their commitment and hard work.

Public Comment:

None

ACCOUNTING FOR GROWTH WORK GROUP
DRAFT TIMELINE AND SCHEDULE
January 2012

Meeting Date	Location	Topics
January 18th: 2pm to 5:30pm	Tawes State Office Building (DNR) in Annapolis (Conference Room C-1)	<ul style="list-style-type: none"> - Welcome and Introductions - Leadership Remarks (Secretaries, EPA) - AfG Framework - Presentation of Management Principles - Review of Stakeholder Timeline & Agenda - Review of Team Charter - Work Group: Identifying Common Ground
February 15th: 12:30pm to 4:30pm	Tawes State Office Building (DNR) in Annapolis (Conference Room C-1)	<ul style="list-style-type: none"> - Which nutrients need to be offset? - Supporting data and baseline information (e.g. loading factors and loads to be offset) - Nutrient Trading Introduction and available tools
March 22nd: 12:30pm to 4:30pm	Tawes State Office Building (DNR) in Annapolis (Conference Room C-1)	<ul style="list-style-type: none"> - Creating an AfG Trading Program (e.g. baselines, trading geographies, accountability measures)
April 19th: 12:30pm to 4:30pm	Aeris and Aqua Conference Rooms Lobby level at MDE, 1800 Washington Blvd., Baltimore	<ul style="list-style-type: none"> - Offset ratios and margins of safety - Permanency of offsets
May 10th: 12:30pm to 4:30pm	Aeris and Aqua Conference Rooms Lobby level at MDE	<ul style="list-style-type: none"> - Fee-in-lieu (e.g. availability, limitations, who/how/where related to fee) - Exceptions and exclusions (e.g. de minimis, redevelopment, infill, agriculture)
May 31st: 12:30pm to 4:30pm	Aeris and Aqua Conference Rooms Lobby level at MDE	<ul style="list-style-type: none"> - Timeline of offsets (e.g. when must they be in place relative to new development) - Implementation mechanisms (e.g. permit)
June 14th: 12:30pm to 4:30pm	Aeris and Aqua Conference Rooms Lobby level at MDE	<ul style="list-style-type: none"> - Effective date - Remaining Issues - Lose ends
June 28th: 12:30pm to 4:30pm	Aeris and Aqua Conference Rooms Lobby level at MDE	<ul style="list-style-type: none"> - Review of key points for regulatory language - Final review of position statements and Work Group recommendations