



PATUXENT RIVER COMMISSION

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Larry Hogan, Governor
Councilman Michael Leszcz, Chairman
Councilwoman Mary Kay Sigaty Vice Chairman

We, the Patuxent River Commission, envision a Patuxent River ecosystem as vital and productive in 2050 as it was in the 1950s. We therefore commit to be stewards and advocates for the Patuxent River and to lead and inspire actions to protect, enhance, and restore living resources and the natural, cultural, economic, and recreational values of the Patuxent River and its watershed.

☀ Please call Daniel Rosen at MDP 410-767-4577 if you have any questions or comments.

MEETING SUMMARY

September 14, 2016

Maryland Department of Agriculture

Annapolis, MD

4:00 p.m. - 6:00 p.m.

Members: Councilman Michael Leszcz (Chair), Alison Armocida, Martin Chandler, Scott Knoche (for Kelton Clark), Guy Curley, Luis Dieguez, Jim George, David Brownlee, John Hartline, Sandy Hertz, Honorable Mike Hewitt, Mark Mendelsohn, Erik Michelsen, Thomas Miller, Sandy Spencer, Amy Stevens, Jason Dubow

MDP Staff: Jason Dubow, La Verne Gray, and Daniel Rosen

Attendee: Jennifer Raulin

Approval of Minutes

The July 2016 minutes were approved unanimously.

October 13th Boat Trip

Commissioner Hewitt said that a boat has been hired and that participants should meet at the Sea Breeze Restaurant, 27130 South Sandgates Road, Mechanicsville, MD 20659 at 4:00 P.M. Refreshments will be served, and the actual boat ride will take place from 4:30 until 5:30, approximately.

The boat trip will help Commissioners experience the sloughing off of dirt from cliffs alongside the Patuxent and learn about possible methods for reducing the amount of sediment entering the river. As a result of the sediment, parts of the river 300 feet offshore are shallow, and narrows are being closed because they are not flushing out the sediment.

Commissioner Hewitt recommended that the commission use the study area as a microcosm that could provide solutions to other places in the state.

Mike Leszcz said that the trip will be educational. Commissioner Hewitt added that he and Jason

Dubow were working to line up speakers for the trip.

Biennial Update on the Policy Plan

Jason Dubow informed the Commission that this update is due at the end of this year. The report is mandate by state law for the Maryland Department of Planning to produce; the report will detail how well state and local partners have implemented the Policy Plan during the past two years. Mike Leszcz asked the Commissioners to consider what their departments or counties have achieved, and said that staff would be contacting them directly in October.

Executive Committee

Jason Dubow provided an update regarding the Executive Committee approach the Commission approved earlier this year. He reminded the Commissioners that interested persons would participate in an agenda-setting call for the November meeting. Mike Leszcz said that Mary Kay Sigaty is term limited and will finish her term next year, while he himself is finishing up his 21st year on the Laurel Town Council.

Regulatory Changes for Best Available Technology (BAT) for Septic Systems

Mike Leszcz said he was concerned about the Governor's announced regulatory changes. Jim George said that BAT on new development would not reduce much annual nutrient loading (about 5,000 lbs. N per year) compared to the amount of reductions needed to meet the Bay TMDL (about 10 million lbs. N total). However, nutrient reductions that would have been accomplished by private funds through a wider use of BAT will now appear on the public balance sheet. Mr. George said that future technology may be cheaper than what is available now. An advisory panel will work on nutrient trading and an aligning for growth strategy, which could provide incentives for installation of BAT. Fee-in-lieu will be used for updating other septic systems. He said that the timetable for the regulatory change was moving rapidly.

Mike Leszcz said that the nutrient load from septic systems is less than that from livestock and poultry. Fee-in-lieu is a good idea, but the fee must be high enough. He asked Jim George to keep the Commission informed. Jim George said he would provide the Commission with a timetable.

David Brownlee noted that Calvert County has been hit hard by nutrient loading from septic systems and he said MDE's policy to not allow the county to set the specifications for BAT systems lessens the county's impact in this area. Erik Michelsen said that in his opinion (not the county's statements), the Governor's position on BAT is a step in the wrong direction: Anne Arundel County has more septic systems than any other county; the cost of cleaning them up would be \$1 billion, and the County cannot shoulder more of the cost.

Commissioner Hewitt pointed out that people need a place to live, so septic systems will still be built. He said if the systems are built far from the water, then why require BAT; regulatory relief is needed. He pointed to St. Clements Shore as an area of cabins on small lots where the septic systems are failing and need to be hooked up to a sewer system.

Jason Dubow pointed out that the MDE regulatory change enables local governments to require BAT systems for all new development if they wish to create that requirement.

Volunteer from the Chesapeake Conservation Corps

Jason Dubow explained how a work plan for a volunteer would help implement the Commission's work plan and that Daniel Rosen is aiming to have a draft application ready for review late in the fall. Thomas Miller said that he serves on the Chesapeake Bay Trust, of which the CCC is a part. More organizations request volunteers than there are volunteers available. Successful applications offer hands-on restoration experience and career development; a few big tasks are good, not a lot of little things. Our application needs to show how working with the PRC is better than working elsewhere.

Amy Stevens said that the Montgomery County Department of Environmental Protection has sponsored two CCC members. One worked on streams and developed an outreach guide; the other created a school program on environmental management. The department did a lot of upfront work. Erik Michelsen said that the Anne Arundel County Watershed Protection and Restoration Program sponsored a CCC member this year. He added that the PRC's application could offer something for a tech-savvy person to work on, for example, sewage overflow notification. Jenn Raulin suggested that a suite of work tracks aligned with the PRC's work plan might attract a volunteer to one if not all. Submitting a draft application to CCC administrator Tara Baker would also be helpful.

David Brownlee suggested that someone conduct outreach for landowners to plant trees. He has \$50,000 available for trees but needs someone to plant them. Commissioner Hewitt said that a volunteer could collect data on sewage overflows, such as those caused by grease clogs, then analyze the effects and impacts. If an incident occurred during the volunteer's tenure, he or she could take measurements during the incident window. Perhaps the volunteer could help out a Patuxent county health department.

DNR's Oyster Report

Alison Armocida said that regulations require DNR to report every five years on the health of Maryland's oysters. The draft of *Oyster Management Review: 2010-2015* was released in July 2016. To quote from the report, "The management plan adopted in 2010 sought to resolve the dual goals of ecological and economic restoration by creating distinct management areas each with its own objectives – Sanctuaries, Public Shellfish Fishery Areas, and Aquaculture Areas."

- **Sanctuary** – Areas permanently closed to oyster harvest. Some sanctuaries have been targeted for extensive oyster restoration projects to potentially accelerate the recovery of oyster populations within the sanctuary, increase their environmental benefits, and contribute to enhancement of populations outside the sanctuary.
- **Public Shellfish Fishery Areas** – Areas where shellfish are harvested for commercial purposes. Oyster aquaculture leases are not allowed in these areas unless a petition to declassify a specific area is approved. For declassification to occur, specific criteria for oyster density must be shown through a biological survey.
- **Aquaculture** – Areas where aquaculture leases are issued by the state to individuals for private aquaculture.

Below are the key objectives for each management area, followed by updates, in italics, from the report.

For sanctuaries, key objectives included:

- 1) Protect half of the bay's most productive oyster grounds and investigate why these areas are still productive. *[T]his objective has been met although the total area of 'best bars' within sanctuaries is less than 50%.*
- 2) Facilitate development of natural disease resistance. *This objective remains under evaluation.*
- 3) Provide essential natural ecological functions that cannot be obtained on a harvest bar. *It is too early to know whether sanctuary oyster bars are providing more ecological services than harvest bars.*
- 4) Serve as a reservoir of reproductive capacity, generating larvae to populate other areas including public shellfish fishery areas. *The reproductive potential in sanctuaries has increased in recent years with 2015 being the highest value in the 26-year time series.*
- 5) Provide a broad geographic distribution across all salinity zones. *This objective has been met.*
- 6) Increase our [DNR] ability to protect these important areas from poaching. *This objective has been met.*

For public shellfish fishery areas, key objectives included:

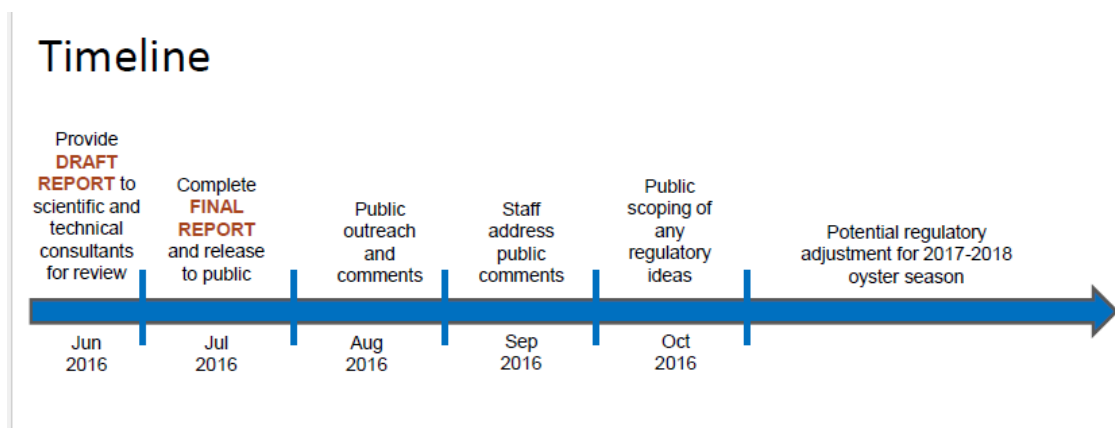
- 1) Maintain 168,000 acres of natural oyster bars and 75 percent of the remaining productive oyster habitat. *This objective has been met.*
- 2) Protect half of the bars identified by Jones and Rothschild (2009) as "consistently most productive" for the benefit of licensed oystermen. *This objective has been met.*
- 3) Maintain a more targeted and scientifically managed wild oyster fishery. *This objective is incomplete.*

For aquaculture, key objectives included:

- 1) Streamline the regulatory process for aquaculture. *This objective is met.*
- 2) Open new areas to leasing to promote industry growth. *This objective is met.*
- 3) Provide alternative economic opportunities for watermen. *This objective is met.*

For more information, see <http://dnr.maryland.gov/fisheries/Documents/FiveYearOysterReport.pdf>

Below is the timeline for the report.



Another recommendation calls for alternative investment strategies for sanctuary areas.

Mike Leszcz said that substantial poaching is going on in the sanctuaries. Alison Armocida replied that small, spread-out areas are harder to poach than one large area. Thomas Miller said that the report examined every reef according to all the criteria. He asked where the third large sanctuary will be, and suggested that the Commission advocate in favor of the tidal lower Patuxent. He added that he was interested in the level of production on the western shore and if high salinity persisted all year long. Jason Dubow asked what the deadline is for submitting comments on the report. Alison Armocida replied that it's possibly in November, but one should check the website.

Mike Hewitt asked how damage from sedimentation could be avoided. Thomas Miller responded that thriving reefs should be able to handle it. Mr. Hewitt added that oyster sanctuaries would place the reefs off limits to fishing. Dr. Miller acknowledged that point, saying that if society wants aquaculture to be part of its portfolio of oyster investments, then access to parts of the Bay will be restricted.

One commissioner mentioned an article about oysters that recently ran in the Bay Journal.
http://www.bayjournal.com/article/tred_avon_oyster_restoration_resumes_for_the_time_being

The Chair suggested that the Commission hold a panel discussion and make a decision at its January 2017 meeting regarding whether to support a sanctuary in the Patuxent River.

Subcommittee Updates

Jason Dubow mentioned that staff would be following up with Commissioners representing counties to provide information on local contacts for tourism and sewage overflow.

La Verne Gray reported on the tourism subcommittee. Paddlers are their target audience; the Subcommittee seeks to produce itineraries for them in three areas: culture, natural resources, and history. The Tourism Development Coordinator for St. Mary's County, Carolyn Laray, attended the previous meeting of the subcommittee and was very supportive of their work. All the Patuxent County tourism directors will be invited to the next meeting on October 28th.

Daniel Rosen reported that the conservation and preservation subcommittee are continuing to talk with county stormwater staff who are implementing TMDLs. The subcommittee will compile what it learns and share it with the counties.

Open Floor

David Brownlee suggested the Commission receive county reports on implementation of local 2-year milestones for the Bay TMDL restoration effort. Jim George said that would be helpful but it would be a significant workload.

John Hartline suggested that the Commission obtain assistance from the Workforce Development Board and Anne Arundel Community College and to increase the Commission's web and social media presence. Mike Leszcz asked about the timeline to finish the Laurel water filtration plant. Martin Chandler replied that a large expansion is in progress, adding extra capacity in case the other plant goes down. The building is largely finished, but the equipment will not be completely installed for at least six to twelve months. Another building is in the works to handle solids in the water purifications process, including the use of coagulants to make solid particles clump together. A third project is planned for a raw water delivery pipe to feed water to the treatment plant.

