

"Baseline" Proposals

WG Next Steps and Considerations:

- Transaction costs should be calculated to better understand value
- Constituency input with real life examples
- Create market certainty by publishing numbers in advance
- Calculate relative costs of options
- Understand big picture goals
- Modify MDE Calculator to run proposals
- BMP cost ranges
- Send out WWTP capacity maps – MDP
- Think about how options impact decisions on other policies

MACO Proposal

MACo proposal (Revised Language)

The offset = (the actual post-development load) minus (the allocation in the 2025 WIP for the pre-development land use), except that if the result is a negative number, it resets to zero.

Option:

Ag Amendment – Use **2025 pasture load at basin level** can be substituted for “the allocation in the 2025 WIP for the pre-development land use”

- Use land/river segment delivery ratios instead of basin average

Old Language

Baseline equals pre-development 2025 target sector load (e.g. 20-4 = 16)

- Subtract new development load from disturbed area (wastewater and storm water load have to meet state requirements (eg. ESD to MEP (50%), BAT))
 - Whatever is left (if negative and agricultural or forest) reverts to 0
 - Any additional load (positive) must be offset
 - Option to add additional practices for credit (after calculation)
 - Weighted average is used to calculate pre-development 2025 target based on land use (cropland, pasture, hay, etc.)

Objective:

Start w/ pre-development load that meets TMDL

Subtract state requirements

Whatever is left must be offset or zeroed out (unless you add additional BMPs)

Reduce incentive to develop on agricultural land

Site specific option

Agricultural sector doesn't have to give up BMPs that are already on land

Considerations

- Could increase costs due to certification and verification of site specific loads

Agree

- Local jurisdictions
- Development community

Do not Agree

- ENGOs
- Agricultural community
- Bevin, CBC of Public Interest Sector

Constituent Feedback

ENGOS

- Do not support proposal
 - CBF not comfortable with proposal; doesn't meet CWA; encourage conversion of ag land and minimize land preservation ability
 - Forest baseline is preference
 - 1000 friends – not supportive of proposal (do not support granting
 - Forest load allows for equity in allocation
 - Need protective baseline from water quality perspective because cumulative impacts of development over 30 year period are not taken into account
 - Too many loopholes in existing policies and seeing impacts in specific counties; need to reverse that trend with this policy

Developers

- General Support
 - Builders Association is support of proposal; general agreement on reverting load to 0 although some question to it
 - MACo proposal is more beneficial to community than any other although some would like to get credits from lowering load on site basis; not supportive of forest baseline or pasture baseline
 - Focused on actual change in load; more science-based and can be tied directly to impacts to Bay; less legal issues; still provides public benefit
 - Commercial builders – generates public benefit and gets to TMDL requirements, going beyond the mandate; improving existing conditions and lower pollution load
 - Provide incentive for development to go into high polluting land and lower it

Agricultural Sector

- Not supportive
 - Too much incentive to convert ag land compared to other baselines
 - Forest allocation is first choice (no incentive to convert ag land over forest land), then pasture
 - 20 lbs/acre is too high

Local Jurisdictions

- Support
 - MML support and agreement
 - Would be open to dealing with source sector allocations
 - Sandy C. – this is place to start but should have review mechanism in place to address uncertainty
 - Puts forest and pasture land on same playing field as ag land providing incentive to convert more forest/pasture than before
 - Tried to balance incentive to convert ag land versus disincentivizing economic development
 - Other environmental/conservation policies have been put in place in past few years

Public Interest

- Steve Harper
 - MACo goes beyond accounting for growth; other two even further; careful to gauge science correctly;

- Legal, political and economic feasibility – beyond MACo there are concerns on all 3 fronts
- Do not Support
 - CBC is supportive of forest baseline
- Support
 - Steven Harper

Eric's Proposal

Baseline equals pasture load at 2025 TMDL target for any agricultural land

- Use most restrictive of pasture load range (3.72 lbs which is most restrictive) (EPA guidance - use lower number or individual basin number)
 - Use 8.7 lb statewide average if restrictions in trading geographies
- For forest use 2025 TMDL target (use statewide average (3 lbs))
- For urban development use 2025 TMDL target

Objective:

Between forest and TMDL target
Reduce incentive to develop on agricultural land

Agree

- Agricultural sector - ?

Do not agree

- ENGOs
- Developers
- Local jurisdictions
- Steven Harper and Bevin of Public Interest

“Lynne” Amendment

- Baseline equals the load determined through onsite assessment tool (NTT) provided that the number is between the pasture load and the 2025 TMDL target at the basin level for agricultural land.

Original Option 2 (Forest)

Baseline equals forest allocation at basin level or statewide average (whichever is more restrictive)

Objective:

Premise behind allowing new growth is that we are meeting TMDL requirements
Adding protection back into policy
Development is a permanent load
Accounts for permanency, fact that air deposition was taken off table, etc.

Agree

- ENGOs - all
- Agricultural sector
- Bevin of CBC – Public Interest

Do not agree

- Developers
- Local jurisdictions
 - MACo - Disincentivizes economic development in rural areas
- Steven Harper