

**Executive Committee (EC) Meeting**  
**Chesapeake Bay Oyster EIS**  
**July 2, 2008**  
**10:00 – 2:15**

**Meeting Attendees:** **Norfolk District – US Army Corps of Engineers (USACE):** District Commander Col. Dan Anninos, Mark Mansfield; **VA Dept. of Natural Resources:** Sec. Preston Bryant, Assistant Sec. Jeff Corbin; **MD Dept. of Natural Resources:** Sec. John Griffin, Frank Dawson, Tom O’Connell; **VA Marine Resources Commission (VMRC):** Jack Travelstead, John Bull; **Potomac River Fisheries Commission (PRFC):** Kyle Schick (also VMRC), Ellen Cosby; **US Environmental Protection Agency (EPA):** Randy Pompanio (Region III), Mike Fritz (Chesapeake Bay Program); **Nat’l Oceanic and Atmospheric Admin. (NOAA):** Peyton Robertson\*, Jeff Shenot\*; **Maryland Environmental Service (MES):** Tammy Banta\*, Phil Jones\*, Megan Simon; **Versar, Inc./EIS Writing Team (Versar):** Bill Richkus; **Oyster Advisory Panel (OAP):** Chairman Brian Rothschild\*  
(\* = via conference call)

**Milestones Reached Since Last EC Meeting**

- Completion of Ecological Risk Assessment Advisory Group’s (ERAAG) peer review of Ecological Risk Assessment
- Issuance of Pre-draft EIS to Oyster Advisory Panel (6/24) for peer review and associated briefing meeting (6/ 26-27)
- Addition of EIS research and assessments to Norfolk District website in preparation for Draft EIS (DEIS) release.

**Resolutions/Action Items** (Please see agenda for schedule of proceedings.)

- The DEIS issuance will be delayed to accommodate an extension of the timeframe for the OAP’s peer review process and submittal of the OAP’s recommendations to the EC regarding the technical sufficiency of the document, prior to its release for public dissemination.
- The scheduled DEIS public meeting dates will be canceled.
- No additional press releases regarding the timeline for the DEIS release will be issued.
- An EIS briefing will be provided to those individuals from Congress that specifically requested a briefing and/or an open lunchtime Congressional briefing will be offered in September.
- Dr. Rothschild will draft a summary of the critical EIS issues for the OAP’s review and input.
- The Executive Committee will meet with the OAP following their next meeting, tentatively scheduled for mid-August 2008, and present their peer review of the pre-draft EIS.
- Col. Anninos will issue correspondence to the OAP indicating that:
  - The EC has established a commitment to the public to issue the Draft EIS on or before October 17, 2008. *Note this date has been adjusted from the 15<sup>th</sup> in consideration of the Federal Register submittal requirements (by Friday for publish the following Friday.)* Therefore, the OAP’s finalized peer review report is requested by August 20, 2008. Adjustments to the schedule for the DEIS release will not be made to accommodate additional research recommendations, if applicable.
  - The OAP should prioritize their recommendations for changes to the EIS. Although the EIS Writing and Assessment Team will address all comments, low priority comments may be

addressed in the timeframe between the DEIS and Final EIS issuances. The OAP should notify Versar of substantial issues as they are identified. Suggested solutions for rectifying identified issues should be included with the document critique.

- The EC requested that EPA provide additional information on the merits of, limitations for, and methods used to eliminate alternatives with inadequate projected performance from consideration in the Draft EIS to avoid a poor EPA rating of the document based on the EIS' lowest performing alternative (i.e. Would an additional Notice of Intent be required if alternatives are omitted?) *Note: Some alternatives have already been eliminated from detailed assessment in the main text of document.*
- The EC will further coordinate on the message that will be relayed to the public regarding the narrowing of alternatives in the Draft EIS leading to the identification of a preferred alternative in the Final EIS. Both the narrowed list of alternatives and the preferred alternative will likely consist of a combination of alternatives (Alternative 8). The MT will forward the EC and project partners a strawman list of potential combination alternatives for consideration.
- The deadline for the Federal and Cooperating Agencies' review of the Pre-draft EIS will be extended to July 25, 2008. NOAA and EPA (Regions 1 – 4) agreed to submit their comments by the revised deadline.

**Notes:**

- Dr. Rothschild indicated that the majority of the (initial) OAP recommendations will not require additional research efforts in order to be addressed. There are still concerns regarding the ODM, but he believes there are solutions to them.
- Mr. Pompanio advised that the cumulative risks for the combination alternative (Option 8) may differ from those of the individual alternatives included in the alternative scenario.
- Mr. Robertson and Mr. Shenot asked the EC to determine the intended take-home public message of the DEIS and reminded the Federal agencies that the DEIS needs to be reviewed under the Federal Quality Act requirements as an influential document that is used to support public policies and management.

**Initial OAP recommendations for the EIS Writing and Assessment Team:**

- The pre-draft EIS report needs technical editing to allow the readers to track ideas, claims, and conjectures throughout the report.
- Explain the correlation between the regressions used in the ODM and the findings of the EIS. *Note: Dr. Richkus indicated that the relationship and its basis (regressions from Carl Cerco's Water Quality Model) were defined in the revised ODM report, provided to the OAP.*
- Justify the use of a freshet year with low potential performance for the determination of a starting population in the modeling and/or explain the potential ramifications on population projections.
- Re-examine and/or further explain the relationship between risk and uncertainty as relayed in the EIS, especially in summary tables and explain any value judgments (negative/positive) placed on the modeled outputs for the assessments.
- Clarify that native over restoration is a component of Alternative 1 on the table in the Executive Summary.
- Examine the effects of repletion programs on the potential success of the proposed action and alternatives.

- Establish an equal comparison of potential outcomes for the proposed action and alternatives in the Economic Assessment despite different effort inputs as defined by the assessment scenarios for the proposed action and alternatives.