







The Chesapeake Bay Commission in Annapolis, Md.

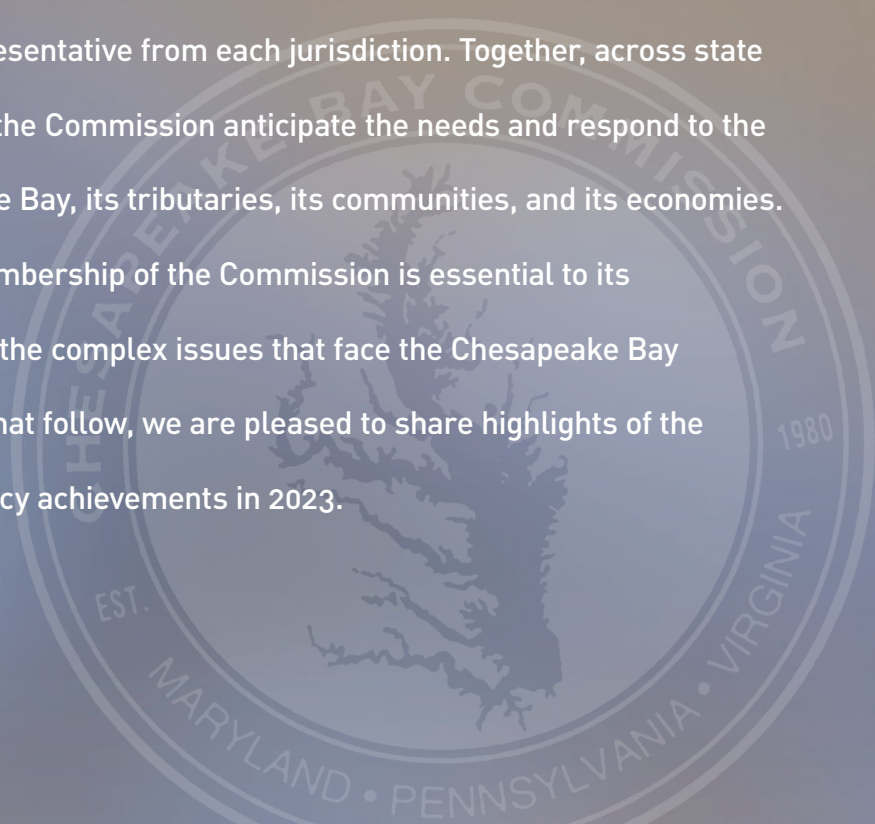
# OUR MISSION: POLICY FOR THE BAY

CREATED IN THE 1980s BY THE LEGISLATURES of Pennsylvania, Maryland, and Virginia, the Chesapeake Bay Commission develops sound policies to support the health and well-being of the waters, land, habitats, and people that define the Chesapeake Bay region.

As a tri-state legislative body, the Commission provides leadership at the state, regional, and federal level on matters of watershed-wide concern. Each of the Commission's state delegations craft and secure passage of laws and budgets designed to improve the condition of the Bay. A signatory to every Bay Agreement, the Commission is an integral member of the multi-jurisdictional Chesapeake Bay Program partnership and a driving force on many of the partnership's initiatives. Nationally, the Commission serves as a model for collaborative bipartisan policy work and a liaison to the U.S. Congress on law and budgetary matters related to the health of the Bay and its watershed.

Our twenty-one members contribute their time, talents, and expertise to the work of sustaining the environmental and economic resources of the Bay watershed. Fifteen state legislators — five from each state — partner with a cabinet-level appointee from each Governor and a citizen representative from each jurisdiction. Together, across state and party lines, the members of the Commission anticipate the needs and respond to the challenges facing the Chesapeake Bay, its tributaries, its communities, and its economies.

The diverse and bipartisan membership of the Commission is essential to its effective approach in addressing the complex issues that face the Chesapeake Bay and its watershed. In the pages that follow, we are pleased to share highlights of the Commission's legislative and policy achievements in 2023.





# WHO WE ARE



## VICE-CHAIR

Sara Love  
Maryland House of Delegates



## CHAIR

Scott Martin  
Senate of Pennsylvania



## VICE-CHAIR

Lynwood W. Lewis, Jr.  
Senate of Virginia

## 2023 MEMBERS

- ◆ The Hon. Scott Martin, Chair ..... Senate of Pennsylvania
- ◆ The Hon. Lynwood W. Lewis, Jr., Vice-Chair ..... Senate of Virginia
- ◆ The Hon. Sara Love, Vice-Chair ..... Maryland House of Delegates
- 
- The Hon. Kerry A. Benninghoff ..... Pennsylvania House of Representatives
- ◆ The Hon. Robert S. Bloxom, Jr. .... Virginia House of Delegates
- The Hon. David L. Bulova ..... Virginia House of Delegates
- ◆ The Hon. Sarah K. Elfleth ..... Senate of Maryland
- G. Warren Elliott ..... Pennsylvania Citizen Representative
- The Hon. Guy J. Guzzone ..... Senate of Maryland
- The Hon. Emmett W. Hanger, Jr. .... Senate of Virginia
- The Hon. Carol Hill-Evans ..... Pennsylvania House of Representatives
- The Hon. R. Julian Ivey ..... Maryland House of Delegates
- The Hon. Josh Kurtz ..... Secretary of Natural Resources, Maryland
- The Hon. Thomas McLain “Mac” Middleton ..... Maryland Citizen Representative
- The Hon. Richard Negrin ..... Sec. of Environmental Protection, Pennsylvania
- Missy Cotter Smasal ..... Virginia Citizen Representative
- ◆ The Hon. Dana M. Stein ..... Maryland House of Delegates
- ◆ The Hon. P. Michael Sturla ..... Pennsylvania House of Representatives
- The Hon. Andrew Wheeler ..... Director, Office of Regulatory Management, Virginia
- The Hon. Tony O. Wilt ..... Virginia House of Delegates
- The Hon. Gene Yaw ..... Senate of Pennsylvania
- 
- Rear Admiral Wesley R. McCall ..... Department of Defense Liaison
- 
- ◆ Member of the Executive Committee

# THE CHESAPEAKE BAY PROGRAM AT 40

IN DECEMBER, WE MARKED THE FORTIETH anniversary of the first Chesapeake Bay Agreement — a pledge signed by the states of Virginia, Maryland, and Pennsylvania, the District of Columbia, the EPA, and the Chesapeake Bay Commission to adopt a cooperative approach for improving and protecting the water quality and living resources of the Chesapeake Bay. By coming together to sign the 1983 Agreement, the newly minted Chesapeake Executive Council acknowledged a shared responsibility to address the pollutants entering our watershed and threatening the health of the habitats and living resources that define this treasured estuary.

Forty years on, the Executive Council, now with New York, West Virginia, and Delaware, has stayed together, building on the 1983 Agreement three times with new knowledge, new strategies, and new tools for making and measuring progress. The Commission is proud to have been part of that progress. Together, we have reduced pollution to our waterways even as population and agricultural activity intensified; added over 1.6 million acres of permanently protected land; and taken on the world's largest oyster reef restoration effort.

However, last year, the Chesapeake Executive Council acknowledged a tough truth. Despite our significant progress as a partnership in the face of emerging challenges and changing conditions, we will fall short on many of the goals we set for

ourselves in our latest Watershed Agreement — including our mission to meet the pollution reduction targets in the Chesapeake Bay Total Maximum Daily Load (TMDL) by 2025. According to our Science and Technical Advisory Committee's report, *A Comprehensive Evaluation of System Response (CESR)*, the tools we have now will only get us part of the way. They cannot bring us to where we ultimately want to go.

In the words of Edward Everett Hale: "Coming together is the beginning. Keeping together is progress. Working together is success."

How will the Chesapeake Bay Program partnership continue to work together? That is the task before us in the Executive Council's charge to chart a course to 2025 and beyond. Over the next two years, we must make as much progress as we possibly can on the action plans that we already have in place by accelerating our investments and integrating the latest science. We, the Chesapeake Bay Commission, are all in, working hard to secure the investments while developing new ways of deploying these resources most effectively.

Beyond 2025, it will take more than money to close the gap between where we are and where we need to be to reach the Bay we envision. It will take knowledge. It will take innovation. It will take trust.

Together, our partnership must draw on everything we have learned over the past forty years and everything we are discovering now about how the Chesapeake is changing. We must make

space in what we do and how we work to try new things in the hope that they will take us farther — to the outer edge of doable and beyond. And we must trust in the strength of our partnership to come together, keep together, and work together to become what our people, our waterways, and our Bay need us to be.

The 2023 Chesapeake Executive Council, including CBC Chair Sen. Scott Martin (right), celebrated 40 years of progress and challenged the partnership to embrace innovation to address shortfalls.



CHESAPEAKE BAY PROGRAM



# THE COMMISSION AT WORK 2023

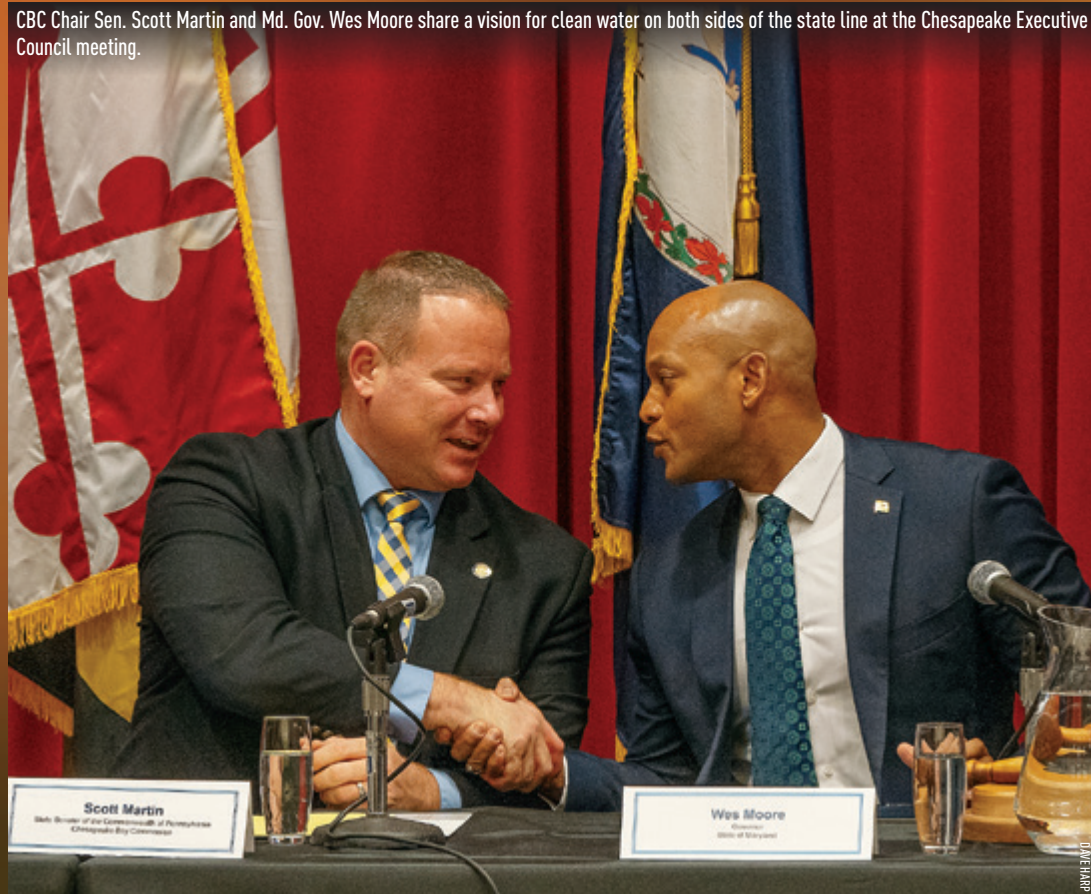


Representing the diverse city of York, Pa., Rep. Carol Hill-Evans joins colleagues in discussing meaningful engagement with Latino communities in the Bay Watershed.



The Commission celebrates Va. Sens. Emmett Hanger and Lynwood Lewis, and Md. Sen. Mac Middleton (not pictured) for their decades of bipartisan service to the Bay.

CBC Chair Sen. Scott Martin and Md. Gov. Wes Moore share a vision for clean water on both sides of the state line at the Chesapeake Executive Council meeting.



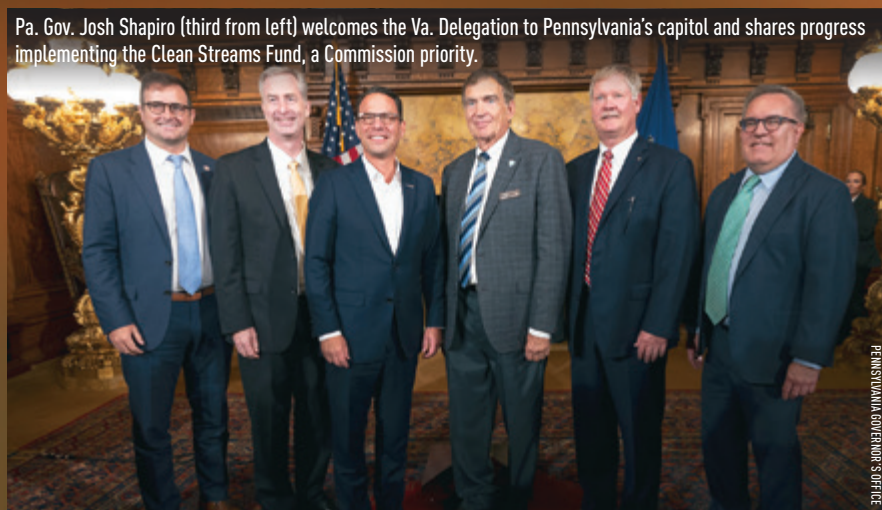
Pa. Rep. Mike Sturla (second from right) advocates for apprenticeship and two-year programs to accelerate workforce development for conservation.



Md. DNR Sec. Josh Kurtz emphasizes the need for visionary leadership as the Chesapeake Bay Program moves beyond 2025.



Va. Sen. Lynwood Lewis and Pa. Sen. Gene Yaw share strategies to fund their states' agricultural conservation programs.



Pa. Gov. Josh Shapiro (third from left) welcomes the Va. Delegation to Pennsylvania's capitol and shares progress implementing the Clean Streams Fund, a Commission priority.



At former Md. Sen. Mac Middleton's final Commission meeting, he and Md. Del. Sara Love reflect on his many years of leadership on agricultural and conservation policy.



PENNSYLVANIA SENATE



Reflecting the watershed's breadth, Va. Del. Tony Wilt, Pa. Sen. Gene Yaw, and Md. Del. Julian Ivey bring the Shenandoah Valley, Northern Tier, and Port Towns to the table.



Pa. Rep. Kerry Benninghoff asks fisheries experts about the impacts of catch-and-release fishing on heat-sensitive striped bass in summer months.



Pa. Citizen Member Warren Elliot shares an example of local restaurants putting invasive blue catfish on the menu.



Pa. Gov. Josh Shapiro, Md. Ag Sec. Kevin Atticks, Sen. Sarah Elfreth, and Dels. Julian Ivey and Sara Love (right to left) discuss how sustainable farms will play a pivotal role in meeting the region's conservation goals.



Md. Del. Dana Stein, Sen. Sarah Elfreth, and Del. Sara Love learn about the stream and wetland restoration projects completed during renovation of the Preserve at Eisenhower.



# THE COMMISSION'S ACHIEVEMENTS IN 2023

**T**HE CHESAPEAKE BAY COMMISSION IS A driving force in Pennsylvania, Maryland, Virginia, and Washington, D.C. for the policies and resources needed to secure a healthier future for the Chesapeake Bay watershed and its living resources. Here are a few highlights from our work in 2023.

## IN PENNSYLVANIA

The Delegation continued to monitor implementation of the Clean Streams Fund, especially the new Agriculture Conservation Assistance Program (ACAP). In January, Senators Martin and Yaw, Commission members and Chairs of the Appropriations Committee and Environmental Resources & Energy Committee, respectively, co-hosted a Senate hearing on the topic at the Farm Show and were joined by two other committee chairs, Senator Elder Vogel (Agriculture & Rural Affairs) and Senator Greg Rothman (Game & Fisheries). In April, the Delegation convened the state, federal, and NGO partners implementing ACAP at a meeting in the capitol to encourage coordination and timely progress.

Proposals to continue funding for the Clean Streams Fund were included, unsuccessfully, in a Senate-passed version of the Commonwealth's FY 2023-2024 fiscal code (HB 1300, PN 1943) and introduced as stand-alone legislation that remains pending in committee (HB 20).

The Delegation hosted a field day that brought members of the House Environmental Resources & Energy Committee to Annapolis to see and learn about the downstream impact of Pennsylvania's policies on the Bay.

Representative Sturla continues to pursue a pilot project that would utilize existing conservation and easement programs to create a network of public trails and water access along riparian corridors in agricultural areas.

## IN MARYLAND

In late 2022, the Hughes Center for Agro-Ecology, facilitated by Commission-led appropriation action, completed a multi-year study of trends in Maryland's forest cover. The study found a continued decline in forest cover and increased fragmentation. In response, Senator Elfreth and Delegate Love sponsored legislation that significantly revised the state's Forest Conservation Act, by increasing retention and replacement of forests during the development process, while giving increased flexibility to local governments.

Land conservation has been a priority of Maryland members since the earliest days of the Commission. In 2023, Delegate Stein and Senator Elfreth were lead sponsors of legislation to codify increased land preservation goals — 30% of the state by 2030 and 40% by 2040 — along with new incentives and strategies to achieve these ambitious goals.

Following significant discussion by the Commission of plastics pollution, Delegate Love successfully sponsored legislation related to the implementation of a Producer Responsibility Program (PRP). The legislation requires the state to conduct a recycling needs assessment, approve a single producer responsibility organization, and establish an Advisory Council to make recommendations regarding establishing and implementing a PRP for packaging materials.

Delegate Love and Senator Elfreth led passage of legislation requiring the Department of the Environment to review and update sediment control plan specifications by 2025, and every five years thereafter, using the most recent precipitation data available and ensure that any updates protect State waters from pollution.

In October, the Maryland Delegation held a special meeting in Annapolis, with a focus on stream restoration. Members visited two

DoD Liaison RADM Wes McCall (right) hosts the Virginia Delegation for a tour of environmental protection efforts at Naval Station Norfolk.





restoration sites and heard from technical experts in the field to help better inform their legislative priorities for 2024.

## IN VIRGINIA

The Delegation continued its focus on resilience during the 2023 legislative session, particularly locality readiness. Senator Lewis and Delegate Bulova successfully shepherded legislation encouraging local governments to consider climate resilience strategies in their comprehensive plans. This was complemented by a \$100 million investment into the Resilient Virginia Revolving Fund.

As state-level resilience planning, programs, and funding efforts are currently dispersed across several agencies and secretariats, the Virginia Delegation closely monitored efforts by a Resilience Coordination Working Group to recommend improvements for maximizing interagency and intergovernmental coordination and funding opportunities for flood resilience throughout the Commonwealth. The consensus recommendations include the creation of a new Office of Commonwealth Resilience responsible for leveraging federal and private sector investment opportunities, leading an Interagency Resilience Working Group, and providing knowledge-based support to local governments in meeting their resilience goals.

With a focus on fully funding the Commonwealth's water quality needs to meet the Chesapeake Bay TMDL, the Delegation secured nearly \$650 million for the Water Quality Improvement Fund, which provides cost-share dollars for locally owned wastewater treatment plant upgrades (\$222 million), agricultural best management practices (\$339 million), and the Stormwater Local Assistance Fund (\$30 million).

In August, the Delegation met at Naval Station Norfolk to learn about the Department of Defense's commitment to remaining mission ready while protecting the health and well-being of service members, their families, and the Chesapeake Bay. Together with the Commission's DoD Liaison, Rear Admiral Wesley R. McCall,



At its biennial Washington, D.C. meeting, the CBC convened a bipartisan, bicameral panel of Agriculture Committee staff to discuss Farm Bill priorities for the Chesapeake Bay.

the Delegation discussed the challenges facing military installations as they work to meet their stormwater management requirements and tackle climate resilience.

## IN WASHINGTON, D.C.

The Commission delivered its Federal Agency Budget Request for Fiscal Year 2024, with four priorities: EPA's Chesapeake Bay Program, US Fish and Wildlife Service's Chesapeake WILD grant program, the National Parks Service's Chesapeake Bay Gateways and Trails program, and conservation technical assistance through USDA's Natural Resources Conservation Service.

The Commission worked with partners and members of the Bay's Congressional Delegation to craft the Chesapeake Bay Conservation Acceleration Act, a marker bill with Farm Bill priorities tailored to the needs of Bay farmers and their local waterways. Reauthorized every five years, the Farm Bill's conservation title delivers critical resources and technical assistance to farmers implementing practices that protect their soil and streams.

In partnership with the Pennsylvania Fish & Boat Commission and with assistance from Pa. House Republican Leader Bryan Cutler, the Commission, including Pa. Rep. Hill-Evans, Warren Elliot, and staff for Pa. Sen. Martin, hosted a "Farms & Fish" field day for Congressional staff demonstrating the impact of Farm Bill conservation programs on stream health and recreation in the watershed.



# A SUSTAINABLE FUTURE FOR BAY FARMING

ACCORDING TO THEIR LATEST WATERSHED Implementation Plans for meeting the Chesapeake Bay TMDL, Bay watershed states are relying on agriculture to achieve nearly 90% of the remaining nitrogen reductions needed. Farmland is the region's largest non-forest land use, covering nearly 30% of the watershed, but the farmers who steward these lands make up a small fraction of the population and often operate on small profit margins. With these factors in mind, the Commission sharpened its focus during 2023 on a sustainable future for farming.

With the creation of Pennsylvania's Agriculture Conservation Assistance Program in 2022, all the Commission's member states now have robust programs to help farmers finance conservation practices, yet implementation continues to lag. At its September meeting, the Commission heard from a farmer, an economist, and agribusiness leaders about the economic factors that influence on-farm decision-making. A common theme emerged among the panelists: to a farmer, sustainability means an economically viable operation that can be passed on to the next generation.

Even when cost-share programs cover up to 100% of installation, conservation practices can require ongoing maintenance that may complicate the long-term management or cash flow of an operation. Cash flow is extremely important, especially in a highly volatile industry like agriculture, where production expenses and cash receipts significantly fluctuate year-to-year. Many of the factors impacting global supply and demand, such as weather, trade policies, and consumer preferences, are beyond a producer's control.

Farm profitability translates into increased conservation in two ways: profitable farmers are in a better position to take a risk on a new practice, and practices that contribute to profitability, such as no-till or cover crops that can improve soil health,

are more likely to be adopted and maintained. For other practices, continuing payments for specific performance metrics such as nutrient use efficiency or other "ecosystem services" can be incorporated into a farm's business plan and contribute to cash flow.

Food processors, and other segments of the food system, can also support sustainable agriculture by investing in and requiring commodity producers to meet conservation thresholds to maintain market access or earn premiums. In 2023, The Hershey Company and its milk supplier, Land O'Lakes, partnered with the Alliance for the Chesapeake Bay and the EPA to fund conservation practices on 119 member-owner dairy farms. Modeled after a similar project underway among the Alliance, the EPA, the Maryland & Virginia Milk Producers Cooperative, and Turkey Hill Dairy, the project seeks to improve water quality and reduce greenhouse gas emissions in the Hershey supply chain.

Looking forward, the Chesapeake Bay Program is pursuing the establishment of an Agricultural Advisory Committee to advance the role and voice of agriculture in the Chesapeake Bay partnership. Separately, the EPA and USDA are considering recommendations to improve the crediting of agricultural conservation in the Bay Program's modeling of progress. Commission staff have been a part of both efforts and will continue to directly engage agricultural stakeholders to develop policies and programs that ensure Bay farmers are drivers of an economically and environmentally sustainable future for their farms and our region.

Pa. Sen. Scott Martin (back center) celebrates the \$2M Sustainable Dairy PA initiative with Congressman Lloyd Smucker, EPA Regional Administrator Adam Ortiz, Pa. DEP Sec. Rich Negrin and officials from The Hershey Co., Land O'Lakes, Inc., and the Alliance for the Chesapeake Bay.





# MANAGING INVASIVE BLUE CATFISH

IN RECENT YEARS, THE COMMISSION HAS become increasingly concerned about the explosive growth of the non-native blue catfish (*Ictalurus furcatus*) population in the Chesapeake Bay due to its potentially significant impact on our native fishery resources. First introduced into the James and Rappahannock rivers in the 1970s to establish a recreational fishery, this species now inhabits nearly all major tidal tributaries of the Bay watershed. Lower salinity levels from several recent years of high rainfall hastened this range expansion.

State agencies and academic institutions across the Bay have increased monitoring of catfish populations to track changes in both distribution and abundance. Their results indicate blue catfish populations have been increasing since the mid-1990s and occur in very high densities in many Virginia tributaries of the Bay. Blue catfish may comprise up to 75% of the fish biomass, or weight, in some river systems. Fisheries scientists have raised concerns about this abundance and potential impacts to native species.

As generalist feeders, blue catfish prey on a wide variety of local species, including those of economic importance and conservation concern such as blue crabs, shad, Atlantic menhaden, American eels, bay anchovy, and bivalves. Research in Virginia estimated that blue catfish consumed 400 metric tons of blue crabs in the lower James River in 2015. However, the precise impact of blue catfish on our aquatic resources remains unclear. Ongoing research to better understand these dynamics will be critical to our management approach.

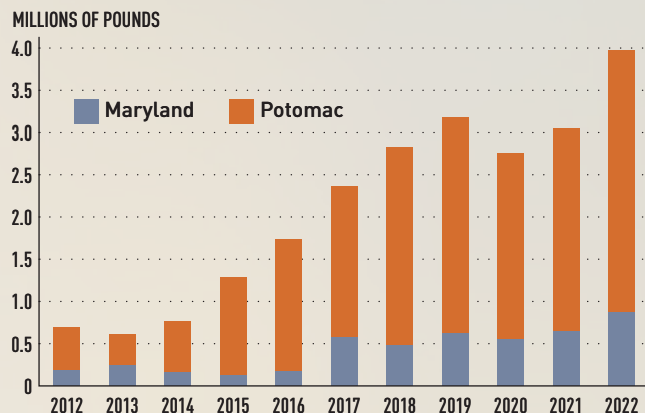
In response to these alarming trends, the Chesapeake Bay Program published an “Invasive Catfish Management Strategy” in August 2020. Its objective is to reduce the abundance and mitigate the spread and ecological impacts of invasive catfish in the Chesapeake Bay through increased public education and awareness and the development of fishery management strategies that ensure ecosystem health and productivity.

Commercial landings, or harvest, have dramatically increased in recent years, though

## COMMERCIAL BLUE CATFISH LANDINGS

As the blue catfish has expanded into the northern tributaries of the Chesapeake, commercial landings have also increased dramatically.

SOURCE: MARYLAND DNR AND THE POTOMAC RIVER FISHERIES COMMISSION



economic value remains low relative to other commercial species. For example, in Maryland (including both the Bay and Potomac fisheries), commercial landings climbed from 0.7 million pounds in 2012 to 4.0 million pounds in 2022 (see graph). To encourage additional removals by the commercial industry, Virginia approved the use of low-frequency electrofishing in 2020 and created an infrastructure grant program in 2023 to expand processing capacity. Meanwhile, blue catfish populations support important and vibrant recreational fisheries, particularly in the James and Potomac Rivers. Maryland has also implemented policy provisions and marketing strategies to encourage the removal of blue catfish.

This year, at the federal level, the Commission advocated for policies that will encourage increased commercial catfish harvest throughout the Bay watershed. This includes the potential for wild-caught, invasive catfish processors to use FDA seafood standards instead of costlier USDA inspection. However, this approach has met with resistance from the farm-raised catfish industry. To remain flexible, the Commission also worked with the Bay’s Congressional delegation to expand funding resources for critically needed catfish processing and marketing capacity. As the Farm Bill and Federal Appropriations processes remained unresolved in 2023, this work will continue in 2024.



## HEADQUARTERS AND MARYLAND OFFICE

60 West Street, Suite 406  
Annapolis, MD 21401  
410-263-3420

## VIRGINIA OFFICE

821 East Broad Street, Suite 140  
Richmond, VA 23219  
804-786-4849

## PENNSYLVANIA OFFICE

c/o Senate of Pennsylvania  
B-63 Main Capitol  
Harrisburg, PA 17120  
717-772-3651

[www.chesbay.us](http://www.chesbay.us)



**Anna Killius**  
Executive Director  
[akillius@chesbay.us](mailto:akillius@chesbay.us)



**Mark Hoffman**  
Maryland Director  
[mhoffman@chesbay.us](mailto:mhoffman@chesbay.us)



**Marel King**  
Pennsylvania Director  
[mking@chesbay.us](mailto:mking@chesbay.us)



**Adrienne Kotula**  
Virginia Director  
[akotula@chesbay.us](mailto:akotula@chesbay.us)



**Jennifer Dieux**  
Administrative Officer  
[jdieux@chesbay.us](mailto:jdieux@chesbay.us)



**Chesapeake Bay Commission**  
*Policy for the Bay*