



CHESAPEAKE BAY COMMISSION

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SEPTEMBER 8-9, 2022, QUARTERLY MEETING

The Chesapeake Bay Commission held its third quarterly meeting of 2022 on Thursday and Friday, September 8-9, 2022. The meeting was held in Charlottesville, VA.

Commission members in attendance:

Delegate Robert Bloxom
Delegate Tony Bridges
Delegate David Bulova
Senator Sarah Elfreth
PA Citizen Member, Warren Elliott
Representative Keith Gillespie
RDML Scott Gray
Senator Guy Guzzone
Secretary Jeannie Haddaway-Riccio (represented on day-two by Dave Goshorn)
Senator Emmett Hanger
Representative John Hershey
Senator Lynwood Lewis
Delegate Sara Love
Senator Scott Martin
VA Citizen Member, Missy Cotter Smasal
Representative Mike Sturla
Director Andrew Wheeler
Delegate Tony Wilt
Senator Gene Yaw
Acting Secretary Ramez Ziadeh (represented by Jill Whitcomb)

Not in attendance:

MD Citizen Member, Thomas “Mac” Middleton
Delegate Dana Stein

Staff: MD – David Goshorn
PA – Jill Whitcomb
VA – Travis Voyles
Navy – Kevin Du Bois

CBC Staff:

Ann Swanson
Jen Dieux
Mark Hoffman
Marel King
Adrienne Kotula

THURSDAY, SEPTEMBER 8, 2022

WELCOME

Members met in the Boar's Head Lobby and proceeded to board the bus for the scheduled field tour/trip.

WELCOME TO IVY CREEK NATURAL AREA

The members were welcomed to Ivy Creek Nature Preserve by Executive Director, Sue Erhardt. Executive Director Erhardt provided a history of the Ivy Creek Natural Area and the family that lived there when it was a functioning farm. The Commission was shown the historical farmhouse as well as the barn on the property. After touring the facility, members transitioned to the Education Center for lunch.

The meeting was called to order at 1:20 P.M. by Chair Elfreth.

ROLL CALL

Chair Elfreth then asked Executive Director Swanson to call the roll. A quorum was present.

ADOPTION OF MINUTES

Chair Elfreth called for approval of the minutes from the May meeting. They were approved unanimously without discussion.

ADOPTION/MODIFICATION OF AGENDA

Chair Elfreth asked for comments or questions on the agenda from the members. Hearing none, they were approved unanimously without discussion.

WELCOME NEW NAVY LIAISON

Senator Elfreth welcomed the new DoD Liaison, Rear Admiral Scott Gray, who assumed command of the Navy's Mid-Atlantic Region on June 30, 2022. Rear Admiral Gray said he was honored to join the Commission and is looking forward to working with the members moving forward.

ADMINISTRATIVE ISSUES

Chair Elfreth updated the members on the retirement of CBC Executive Director Swanson. She noted that a subcommittee of the Executive Committee has been formed and they are working with an executive search firm. Interviews for the position will take place in November.

STORIES FROM THE NORTH

Chair Elfreth asked Senator Scott Martin to update the members on recent legislative victories in Pennsylvania. He discussed the strategic efforts that were undertaken not only by the Pennsylvania Delegation, but also Chair Elfreth and EPA Regional Administrator Ortiz, to get the Clean Streams Act and fertilizer bill across the finish line. He thanked everyone for their tireless effort, especially CBC Pennsylvania Director Marel King.

MEETING OVERVIEW

CBC Executive Director Swanson then provided the members with an overview of the meeting including the issues to be covered as well as how they relate to the Commission's May meeting and the upcoming November meeting.

SHARPENING OUR FOCUS

INSTALLMENT II: FORESTS & WETLANDS

Joel Dunn, President and CEO of the Chesapeake Conservancy, provided a presentation on using data for better targeting and decision making. He detailed the new data being released and how it helps decision makers better understand the land use changes occurring in their areas. The data can help protect and enhance forest cover in jurisdictions as well as target restoration projects. Finally, he noted that while this data is robust and useful for application with forest cover there are enhancements that need to be made for the same to be true with wetlands. He specifically recommended increased funding at the Bay Program for wetland data development.

WETLANDS IN THE WATERSHED

Skip Stiles, Executive Director of Wetlands Watch, provided a presentation on wetlands in the Chesapeake Bay watershed. There are 1.5 million acres of wetlands in the watershed that provide great ecological value – pollution reduction, carbon storage, flood control and groundwater recharge. While 86% of the watershed's wetlands are nontidal, we are facing the loss of 50-80% of our tidal wetlands during this century due to climate change. Policies to address future threats to wetlands exist, but represent major shifts in policy focus, generate pushback and are expensive. Maryland and Virginia have started these policy shifts, but more research, monitoring and estimates are needed to fully inform future policies. In the meantime, enhancing natural systems to absorb the future impacts of climate change and considering wetlands as critical infrastructure is vital.

WINDOW TOUR: RIVANNA CONSERVATION ALLIANCE RAINGARDEN

Lisa Wittenborn, Executive Director of the Rivanna Conservation Alliance, joined the Commission to discuss her organization and provide an example of the important work that they conduct in the area. The Rivanna Conservation Alliance (RCA) is a non-profit that works with the community to conserve the Rivanna River and its tributaries through water quality monitoring, restoration, education, and advocacy. She highlighted a stormwater planter project that they undertook when they moved into their office in 2018. The property is 80% impervious and contains numerous easements as well as floodplain. The planters collect 40,000 gallons of stormwater a year during average rainfall conditions and the plants/soil filter out nutrients and hazardous substances that settle out on the roof. RCA installed additional planters in 2020 at the City of Charlottesville's Public Works building using funding from the National Fish and Wildlife Foundation.

ADJOURNMENT

The Commission adjourned for the day at 4:40 P.M.

FRIDAY, SEPTEMBER 9, 2022

WELCOME & ROLL CALL

Chair Elfreth called the meeting to order at 9:12 A.M. and asked Executive Director Swanson to call the roll. A quorum was present.

EXECUTIVE DIRECTOR'S LIGHTNING ROUND UPDATES

Chair Elfreth asked Executive Director Swanson to update the members on several timely issues that both staff and members had been working on.

- CESR Report: Director Swanson introduced the Comprehensive Evaluation of System Response (CESR) report, which is a huge Scientific Report focused on the Bay's response to our efforts to improve water quality. At the November meeting, the CBC will hear from chief investigators and the head of the Chesapeake Research Consortium who has spent the last two years developing the analysis and policy recommendations.
- Inflation Reduction Act: Earlier this year, USDA announced the creation of the Chesapeake States' Partnership Initiative (C-SPI). With the Inflation Reduction Act signed into law, the Commission will now press USDA to commit significant new resources to the Bay watershed to fully fund C-SPI. We identified \$73.7 million per year as the necessary amount to meet our agricultural conservation goals.
- Blue Catfish: Current federal law requires USDA inspection of commercially harvested blue catfish, as opposed to FDA inspection (as with other seafood) which creates an unnecessary cost and impediment for harvesters and processors. Congressman Andy Harris, a Republican representing Maryland's Eastern Shore, has inserted language in the FY23 Appropriations Bill and Report to help address this concern. On the CBC's behalf, Senator Elfreth sent a letter to House and Senate Appropriations leadership in support of the language.
- Chesapeake Bay Blue Crab Stock Assessment: CBC has worked to coordinate funding (estimated need of \$600-\$650K) from federal and state sources. Towards that end, both the CBC Maryland and Virginia Delegations have written to their respective fisheries management agencies requesting \$225K each to fund the stock assessment, to be included in the FY24 budget cycles. Our legislative leaders have committed to getting it in the budget if the Administrations fail to act.
- Plastics: The Commission, in partnership with the Chesapeake Legal Alliance has been developing a report on Extended Producer Responsibility legislation. We will present the result of our work at the November meeting. The report will focus on those four states that have passed legislation. However, an appendix will cover all 16 states that have considered EPR legislation.

WHAT TO EXPECT IN THE 2023 FARM BILL

THE HISTORY OF CBC INVOLVEMENT

Marel King, Pennsylvania Director of the Chesapeake Bay Commission, provided background and history on the Farm Bill. Re-authorized roughly every five years, is it the primary vehicle for farm, food, and rural aid in the United States. The Conservation Title was created in response to the Dust Bowl and has been growing in significance since 1985 with four program categories: Working Lands, Land Retirement, Easements and Partnerships. She then detailed the history of the Commission's involvement in the Farm Bill and detailed how our efforts with the Chesapeake Bay States' Partnership Initiative are critical as we approach the 2023 Farm Bill.

CREATING NEW OPPORTUNITIES IN THE 2023 FARM BILL

Alison Prost, Vice President for Environmental Protection and Restoration at the Chesapeake Bay Foundation, then detailed how 90% of the remaining reductions in the Bay TMDL must come from the agricultural sector. Accordingly, the 2023 Farm Bill is a critical piece of the Bay restoration puzzle. She detailed how the Farm Bill provides an opportunity not only to increase funding for the agricultural conservation programs, but also an opportunity to incentivize regenerative agriculture, increase conservation technical assistance as well as making it easier for state to participate in the Conservation Reserve Enhancement Program.

COMMISSION DISCUSSION

The Commission discussed and agreed to the creation of a subcommittee to consider workforce development opportunities within the 2023 Farm Bill to address the conservation technical assistance needs that exist.

CLEAN WATER REVOLVING FUNDS

Kristen Hildreth, Legislative Director at the Natural Resources, and Infrastructure National Conference of State Legislators, then presented on the Clean Water Revolving Fund programs in Maryland, Pennsylvania, and Virginia. While Congress authorizes the funding and EPA provides program oversight and general guidance, it is up to the states to implement the programs, develop guidance, score, and rank projects, select projects and oversee implementation. With an infusion of funding from the Bipartisan Infrastructure Law, it is important to understand what is occurring in each member state.

BREAK

Commission Members took a short break at 11:15 A.M.

OUR ICONIC LIVING RESOURCES: Blue Crabs, Striped Bass & Freshwater Mussels

Blue Crabs and Striped Bass

David Goshorn, Senior Bay Restoration Coordinator for the Maryland Department of Natural Resources, provided a presentation on the status of Blue Crabs and Striped Bass in the Chesapeake. He detailed that while the Blue Crab winter dredge survey showed the stock is not depleted and overfishing is not occurring, this is the third consecutive year where the numbers are below average. He detailed that all managers agree that it is time to conduct an updated stock assessment. Management actions have been taken by Maryland and Virginia in response to the low population estimates, and a science workshop will be held in September to help inform the stock assessment. For Striped Bass, the Atlantic States Marine Fisheries Commission approved a new management program in May that will address overfishing and initiate rebuilding in response to overfishing based on the 2022 stock assessment. The results of this work are expected in November 2022.

Freshwater Mussels

Dr. Joe Wood, Senior Scientist from the Chesapeake Bay Foundation, presented on the top ten reasons why we should care about the freshwater mussel. Mussels are widespread throughout the Chesapeake Bay watershed and their protection aligns with the fisheries goal in the Chesapeake Watershed Agreement. Simultaneously, mussel populations have been heavily degraded

alongside water quality impacts. In many areas, such as the James River's spiny mussel, they are endangered. Mussels provide water clarity, food web benefits, as well as habitat benefits. Many scientists are working on this issue throughout the watershed, but additional investments are necessary to ensure a sustainable freshwater mussel population into the future.

NEW BUSINESS

Chair Elfreth asked if there was any new business. There was no new business.

PUBLIC COMMENT

There was no public comment offered.

ADJOURNMENT

The Commission adjourned at 12:06 P.M.