



CHESAPEAKE BAY COMMISSION

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The Chesapeake Bay Commission held its third quarterly meeting of 2024 on Thursday and Friday, September 5-6, 2024. The meeting was held in Norfolk, VA.

Commission members in attendance:

Delegate Alex Askew
Representative Kerry Benninghoff
Delegate Robert Bloxom
Delegate David Bulova
Senator Sarah Elfreth
Warren Elliott, PA Citizen Member
Delegate Julian Ivey
Secretary Josh Kurtz
RADM Carl Lahti
Vincent Leggett, MD Citizen Member
Senator Scott Martin
Senator Jeremy McPike
Delegate Sheila Ruth
Missy Cotter Smasal, VA Citizen Member (Day 2 only)
Representative Mike Sturla
Secretary Travis Voyles (represented by Stefanie Taillon)
Senator Gene Yaw

Not in attendance:

Senator Guy Guzzone
Representative Carol Hill-Evans
Acting Secretary Jessica Shirley
Delegate Dana Stein
Senator Richard Stuart

Member Staff:

MD – David Goshorn
VA – Jennifer Walle
DoD – Kevin Du Bois

CBC Staff:

Jen Dieux
Mark Hoffman
Anna Killius
Marel King
Adrienne Kotula

Friday, September 6, 2024

WELCOME AND NEW MEMBER INTRODUCTIONS

Commission Chair Bulova called the formal meeting to order at 12:24 P.M. and welcomed members to Gloucester, VA. Chair Bulova then introduced newly appointed Maryland Member, Delegate Sheila Ruth, and our new DoD Liaison, RADM Carl Lahti. Both Delegate Ruth and RADM Lahti spoke briefly about their backgrounds and interests furthering the work of the Commission.

ROLL CALL

Chair Bulova then asked Executive Director Anna Killius to call the roll. A quorum was present.

ADOPTION OF MINUTES

Chair Bulova called for approval of the minutes from the May meeting. The motion was adopted by unanimous consent.

ADOPTION/MODIFICATION OF AGENDA

Chair Bulova asked for comments or questions on the agenda from the members. Hearing none, the agenda was approved unanimously.

FOLLOW-UP FROM JANUARY MEETING

Chair Bulova asked Executive Director Killius to present the group with follow-ups from the May Meeting. Ms. Killius provided updates as follows:

Federal Priorities Update

Ms. Killius pointed the members to a chart in their packets comparing funding levels for our federal budget priorities in the House and Senate appropriations bills for FY 2025. For the most part, many of those priorities are in a decent position, suggesting stable funding in the future. One notable exception is the Department of Defense's Readiness and Environmental Protection Integration (REPI) program. House Republicans have proposed a \$22 million increase for REPI for a total of \$200 million in FY2025, which she suggested is a testament to the strength, success, and enthusiasm for the program. She noted, however, we have concerns that the House Majority is also proposing across-the-board cuts for EPA, which, thankfully, hold the Chesapeake Bay Program Office harmless, but would seriously reduce funding flowing to the states for other critically important efforts connected to our success, including non-point source programs.

Ms. Killius then advised the members we do not expect to see any more individual appropriations bills come to the floor of either chamber, nor do we expect any other major legislation to emerge before the lame duck session. Realistically, we are planning for continuing resolutions that buy Congress between 2-5 months, depending on whether folks want to schedule budget talks before or after the start of the next Congress.

On the Farm Bill, she reminded the members that Congress failed to pass a 4-year bill last year, and so we are still operating under a one-year extension that continues authorizations until September 30th. We haven't seen any signs of major progress between the two chambers on a bipartisan bill. There is some talk, particularly from the Commodities advocacy sector of a piece-meal approach, pulling out the Commodities title for reauthorization this year and pushing the remainder of the bill to next session of Congress. Congressional agriculture leaders and stakeholders are considering whether the prospects for

their priorities fare better under a Farm bill negotiated under this Congress or the next. Our priorities remain unchanged, and we continue to work with our delegation and committee staff to monitor and advise on language as it appears.

The final update was regarding a request from the Commission in January. Members directed staff to pursue a dedicated program for funding stormwater projects on military installations, recognizing that military installations occupy 400,000 acres within the Bay watershed, and that these installations often must balance critical mission and maintenance needs. Stormwater projects, including those that will help the DoD meet its Bay commitments and stormwater permits, often struggle to compete. The Commission and its partners have proposed a new, dedicated stormwater initiative modeled off the REPI program to be included in this year's National Defense Authorization Act or NDAA. It is ambitious, proposing a new program and new funding when staff on the House and Senates Armed Services Committee are facing warnings of tight budgets.

As of right now, the Commission's proposed language has not been incorporated in the Chairmen's marks released by either the House or Senate Armed Services Committees. There is new stormwater-focused language in the House bill, which we have worked with Congresswoman Kiggans to amend to ensure Bay watershed installations would benefit. And we are working with Senator Kaine to continue to champion a Senate amendment. We will adjust our strategy as the NDAA continues to take shape. And we are incredibly thankful for all the Bay Delegation leaders that are helping us in this effort. We are very fortunate to have a deep bench right at this critical moment when it comes to leaders on the Armed Services Committees and the Defense Appropriations Subcommittees.

WIN-WIN PARTNERSHIPS WITH THE DEPARTMENT OF DEFENSE

Chair Bulova then introduced Tom Olexa, Natural Resources Manager at Naval Weapons Station Yorktown (WPNSTA Yorktown). Mr. Olexa walked the members through the history, mission, and environmental setting of the facility. He then shared a series of projects that are being conducted to improve the ecological conditions of the Weapons Station, while at the same time improving the resilience of the facility to achieve its military obligations. Some of this work is funded through the federal REPI (Readiness and Environmental Protection Integration Program) program, which the Commission has supported for some time. At the Weapons Station, which is situated along the York River, projects include creating 4,000 linear feet of living shoreline and restoring three acres of land, and a series of oyster restoration projects in the near-shore environment.

YORK RIVER BOAT TOUR

The members and staff then broke into smaller groups to take a tour by boat of the York River, specifically to visit the area of the restoration project described by Mr. Olexa. The Commission expressed thanks to the Virginia Institute of Marine Sciences and the Virginia Marine Resources Commission for providing vessels and captains for this purpose.

SENTINEL LANDSCAPES: READINESS AND RESILIENCE

Returning to land, the Commission continued its business meeting. Chair Bulova introduced the next speaker, Mr. Kevin Du Bois, Chesapeake Bay Program Coordinator, US Department of Defense. Mr. Du Bois gave the members a presentation on the DoD's Sentinel Landscape Partnership Program. This Program was created in 2013 by joint action of the U.S. Departments of Agriculture, Defense, and Interior. Its goal is to strengthen military readiness; conserve natural resources; bolster agricultural and forestry economies; increase public access to outdoor recreation; and enhance resilience to climate change. There are three designated Sentinel Landscape areas in the Chesapeake Bay watershed: Middle Chesapeake, Virginia Security, and Kittatinny Ridge. Projects funded under

Sentinel Landscapes are established surrounding federal facilities, but designed to help allow the nearby military facilities to be able to continue to achieve their core mission.

SCIENCE FOR THE BAY: THE VIRGINIA INSTITUTE OF MARINE SCIENCE (VIMS)

To wrap up the day, Chair Bulova introduced our host, Dr. D. Derek Aday, Director, Virginia Institute of Marine Science and Dean, College of William & Mary's School of Marine Science. Dr. Aday welcomed the members to VIMS and provided an informative presentation on the history and function of this renowned scientific institution.

Chair Bulova then recessed the meeting until 10:00 A.M. Friday morning.

Friday, September 6, 2024

DELEGATION BREAKFAST BREAKOUTS

Delegations discussed news and issues relevant to their jurisdictions over breakfast.

WELCOME & ROLL CALL

Chair Bulova called the meeting to order at 10:00 A.M. and asked Executive Director Killius to call the roll. A quorum was present.

EXECUTIVE DIRECTOR'S LIGHTNING ROUND UPDATES

Chair Bulova asked Executive Director Killius to update the Commission on important and timely issues impacting the Chesapeake Bay watershed.

Beyond 2025 Steering Committee Report and Public Feedback

The Beyond 2025 Steering Committee released its draft report for public feedback at the beginning of July. The public feedback window closed August 30th. Roughly 80 unique comments were received, along with two coordinated sign-on campaigns that reached well over eighteen hundred participants across the watershed. To take note of a few common and particularly important thoughts received:

- There is broad support for the Executive Council to express its continuing commitment to the Chesapeake Bay Program partnership and for updating the 2014 Chesapeake Bay Watershed Agreement. There is also a call for doing so on an expedited timeline — by the end of 2025.
- There is broad support for streamlining the structure of the program and for elevating conservation as a focal point in the future of the partnership. Both points seem to capture a lot of interest and excitement, but folks want to see more in the way of examples.
- There is concern that more has not been said about strategies for tackling our two lagging sectors, agriculture and developed stormwater. It is generally recognized that much more emphasis, innovation, and resolve is needed from the Program to move the needle here.
- Many of the comments offer thoughts and ideas on “phase 2” of the work ahead, which will not be pulled into the language of the Beyond 2025 report but should be preserved so that it can inform the forthcoming discussions.

A team of Steering Committee members is drafting potential edits to the report for the Steering Committee's consideration. A redlined version of the report will be available so that folks can see more easily see the difference between the draft and final. The goal is to have the Steering Committee approve a final version

of the report at our meeting at the end of the month. From there, the report will go to the Management Board and Principals' Staff Committee to inform them of the action recommended for the Executive Council before December.

Ms. Killius thanked the Commission members for the feedback that they provided earlier this summer. It has been very helpful in determining the Commission's priorities heading into this critical period and in developing a strategy that meets the needs of our Program partners and our stakeholders. As the Principals' Staff Committee prepares an action for the Executive Council to take in December, we will be sure to stress the importance of continued and enduring partnership and people-focused benefits that are felt at home on their way to helping the Bay. When the report is adopted by the Steering Committee, Ms. Killius noted she will share it with the members and keep them updated as preparations for the December 10th Executive Council meeting take shape.

Chesapeake Fisheries Update

Next Ms. Killius provided an update on Chesapeake Bay Blue Crabs. Sustainable, multi-jurisdiction management of the blue crab population in the Bay has long been a core priority for the Chesapeake Bay Commission. In 2001, the Commission led a Bi-State Blue Crab Advisory Committee to study the blue crab and recommend action to manage harvest pressure and preserve the long-term vitality of this iconic fishery. Since that time, Maryland, Virginia, and the Potomac River Fisheries Commission have worked together, each implementing regulations aimed at achieving a target harvest rate while remaining below a threshold for overfishing.

In 2008, a Federal Fisheries Disaster was declared for the blue crab fishery, and in response, all three regulatory entities committed to focus on maintaining a high abundance of female crabs to maximize the reproductive potential of the fishery and increase resilience to environmental variability. One important component of that cooperative management was the closure of the winter dredge fishery. This particular fishery was targeted for closure because it has an outsized impact on the female crab population. Estimates suggest that up to 96% of the harvest is female and amounts to potentially 32% of all female crabs in the Bay. For 16 years, the winter dredge fishery has remained closed throughout the Chesapeake Bay. Based on the most recent population survey data, the 2024 Blue Crab Advisory Report, which is jointly issued by Maryland and Virginia, recommended that blue crab resource managers continue to keep measures in place to protect mature female and juvenile crabs in place.

On June 25th, the Virginia Marine Resources Commission voted 5-4 to repeal the 16-year prohibition on winter dredging. They did so against the advice of VMRC staff scientists but at the recommendation of VMRC's Crab Management Advisory Committee. That Advisory Committee, which predominantly reflects industry voices, voted 10-2 in May in favor of reopening the winter season.

Concerns were quickly raised that this potentially abrupt management change had been initiated without consulting Virginia's partners in cooperative management, Maryland and the Potomac River Fisheries Commission. We would not want to see a degeneration of the cooperative approaches needed across all shared Bay fisheries, resulting in either inequitable conditions for Bay watermen or a race to the bottom that risks putting our blue crab population back on the brink of disaster.

However – while the concerns are troubling, it's important to recognize that the Virginia Marine Resources Commission's vote to repeal the ban does not by itself open the fishery this winter. Regulations will need to be developed to manage the dredge fishery before the start of any proposed winter season. In August, the

Crab Management Advisory Committee recommended by a vote of 8-5 that the winter dredge fishery remain closed until the results of the benchmark crab stock assessment are available. As a reminder, the goal is for those results to be released by the spring of 2026. The Advisory Committee also voted to extend the 2025 crab pot season by 4 weeks, opening it earlier in March and closing later in December. Later this month, VMRC will request a public hearing to receive input on a proposed regulation to keep the 2024 winter dredge fishery closed. Any final votes on adoption of that proposed regulation would be made at the Commission's October meeting.

This is a sensitive and developing situation that we will closely follow, with our priorities being, as ever, an abundant and economically viable blue crab fishery and a strong, cooperative management approach backed by science. Delegate Bloxom offered that he agrees with the sensitive nature of the situation, especially given the importance of year-round crab picking in Virginia.

Milestones

To help Bay Program partners stay on track toward meeting their pollution reduction targets under the Chesapeake Bay Total Maximum Daily Load, we have a 4-part accountability framework. First, each jurisdiction has a Watershed Implementation Plan (or WIP), which, at this time, should identify the plan for how that jurisdiction will meet its nitrogen, phosphorus, and sediment reduction goals by 2025. This is the long-term strategy. Second, each jurisdiction submits two-year milestones, with short-term programmatic and numeric goals. Third, EPA tracks, records, and evaluates progress toward meeting these long-term and short-term goals. And finally, EPA has committed to using backstop federal authorities, as necessary, if jurisdictions do not develop sufficient WIPs, do not effectively implement their WIPs, or fail to fulfill their two-year milestones.

The jurisdictions submitted their progress toward meeting their 2022-2023 milestones as well as their draft 2024-2025 milestones earlier this year. EPA Region 3 recently released its evaluations. I'll share a few highlights for each of our jurisdictions:

Maryland did not achieve its 2023 target for nitrogen but did achieve its targets for phosphorus and sediment. Maryland is encouraged to accelerate BMP implementation in the agriculture sector, particularly because the state did not meet several of its implementation targets in 2022-2023. However, EPA highlighted that with the support of Maryland's 5-Million Trees Initiative, Maryland met its 2025 planning target for forest buffers. And EPA noted the state's new Environmental Justice Screening Tool.

Pennsylvania did not achieve its 2023 targets for nitrogen, phosphorus or sediment. EPA commended the Pennsylvania legislature for the \$50 million annual recurring investment in the Clean Streams Fund and noted it as a strength of Pennsylvania's progress. Like Maryland, Pennsylvania should accelerate BMP implementation in the agriculture sector, as several targets were not met in the last two-year period. And it was noted that some numeric milestones in the developed stormwater sector showed no progress.

Virginia achieved its statewide 2023 target for sediment but fell short for nitrogen and phosphorus. EPA noted the record funding appropriated for agricultural BMPs for fiscal years 2023 and 2024, and that the FY2025-2026 budget includes sufficient funds to satisfy the state's Agricultural Needs Assessment. Virginia has also updated the permitted wasteload allocations for wastewater treatment plants to meet the Enhanced Nutrient Removal Certainty Program and Chlorophyll-a water quality criteria. However, as you might expect, Virginia also needs to accelerate agricultural BMP implementation, since several

implementation targets were not met. And Virginia should accelerate efforts to target non-point sources of pollution in the urban and suburban stormwater sector.

To summarize, for all three jurisdictions, agriculture and stormwater are the biggest challenges moving forward. EPA Region 3 Administrator Adam Ortiz has let the Bay states know that he wants to see “meaningful progress” as the watershed is significantly off track in meeting goals to reduce stormwater pollution, and the agency may exert greater oversight of those efforts in the future. This is consistent with the feedback offered by the EPA’s Office of Inspector General in its review of the Chesapeake Bay Program Office, with the findings of the CESR Report prepared by the Bay Program’s Scientific & Technical Advisory Committee, and with some of the input we’ve received regarding the Beyond 2025 report. Your Commission staff are taking notice, and we will be looking for ways to dig deeper and unearth opportunities in future Commission agendas.

WORKING HAND-IN-HAND: OYSTER RESTORATION & AQUACULTURE

Chair Bulova then introduced Andrew Button, the Head of Conservation and Replenishment for the Virginia Marine Resources Commission. Mr. Button gave a presentation about the efforts in Virginia to restore its oyster population, both the public fishery and protected areas, and supporting the aquaculture industry. He noted their success was based on a “three-legged stool” of traditional harvest on both public and private ground; restoration and maintenance of all suitable oyster habitat; and hatchery-based aquaculture.

Next up was Chris Moore, the Virginia Executive Director of the Chesapeake Bay Foundation. Mr. Moore gave a presentation entitled “Virginia’s Oyster Renaissance”. He highlighted a series of themes that provide the cornerstones of CBF’s oyster work: managing for prosperity, expanding equitable opportunities, accelerating success, innovation, alternative substrates, ensuring co-benefits, and building on our accomplishments.

Chair Bulova thanked both Mr. Button and Mr. Moore for their thoughtful comments to the commission members.

THE FRONT LINES OF CLIMATE RESILIENCE: HAMPTON ROADS

Chair Bulova then introduced a panel of speakers related to efforts in the Hampton Roads region to address climate change, improve resiliency and embrace nature-based solutions.

The first speaker was Mary-Carson Stiff, Executive Director of Wetlands Watch. Ms. Stiff provided background on her organization and an overview of the current trends related to land movement, sea level rise, and precipitation. She then reviewed the impacts of these factors in the Hampton Roads area and the timeline of on-going efforts to address them.

The next speakers, C.J. Bodnar (Technical Services Program Manager) and Kristina Searles (Project Manager) represented the City of Virginia Beach. They provided a detailed presentation on the efforts of the city to address climate change mitigation and resiliency. They noted that municipal bond rating firms were the first ones to raise concerns about the long-term resilience of the city. They noted the impacts from the fall of 2016, when three major storm-rainfall events occurred in just over a month. This made clear the vulnerability of their community. Using a watershed approach, they have developed a plan using multiple layers of adaptation: natural mitigation; engineered defenses; adapted structure; and prepared communities. All this led to the passage of a \$567.5 million debt authorization in 2021 by the citizens of Virginia Beach for Phase 1 of the Citywide Flood Protection Program. The speakers also provided some details on the engineering for a marsh restoration project at Back Bay and wetland/floodplain restoration effort along the Elizabeth River.

The last speaker of the panel was Emily Steinhilber, Director, Climate Resilient Coasts & Watersheds, Virginia, Environmental Defense Fund. Ms. Steinhilber tied together the prior presentations and noted the long (10+ years) lead times inherent in this type of work – which presents a considerable challenge given the real-time impacts of storm events. She also stressed the need for support at the state-level for localities undertaking these complex and long-term planning and implementation projects.

Chair Bulova thanked each speaker for their time and thought-provoking comments.

INTERIM ACTIONS

Chair Bulova asked Executive Director Killius to share any interim actions identified by Commission members during the meeting. She identified four topics during the meeting: 1) opportunities and needs related to urban stormwater management; 2) an update on the Beyond 2025 work and the Executive Council meeting; 3) an update on the blue crab stock assessment; and 4) sharing the Community Climate Assessment information from the Mid-Atlantic Regional Integrated Sciences and Assessment.

Ms. Killius also noted that if any members had questions on any topic discussed during the meeting they should feel free to follow up with her or their state director.

NEW BUSINESS

Chair Bulova asked if there was any new business to come before the Commission, and none was brought to the members.

PUBLIC COMMENT

Chair Bulova asked if there was anyone signed up for public comment. There were no speakers signed up for public comment.

ADJOURNMENT

The Commission adjourned at 12:39 pm.

*The next meeting of the full Chesapeake Bay Commission
will be held in Kennett Square, PA on November 14-15, 2024.*