



# CHESAPEAKE BAY COMMISSION

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## MAY 4-5, 2023 QUARTERLY MEETING

The Chesapeake Bay Commission held its second quarterly meeting of 2023 on Thursday and Friday, May 4 & 5, 2023. The meeting was held in Washington, DC.

### Commission members in attendance:

Representative Kerry Benninghoff  
Delegate Robert Bloxom  
Delegate David Bulova  
Senator Sarah Elfreth  
Acting Secretary David Goshorn  
RDML Scott Gray  
Senator Emmett Hanger  
Representative Carol Hill-Evans  
Senator Lynwood Lewis  
Senator Scott Martin  
Acting Secretary Richard Negrin  
Missy Cotter Smasal, VA Citizen Member  
Delegate Dana Stein (Day 2 only)  
Representative Mike Sturla  
Delegate Tony Wilt  
Director Andrew Wheeler  
Senator Gene Yaw

### Not in attendance:

Delegate Tony Bridges  
Warren Elliott, PA Citizen Member  
Senator Guy Guzzone  
Delegate Sara Love  
Thomas “Mac” Middleton, MD Citizen Member

### Staff:

MD – Kristen Fidler  
PA – Jill Whitcomb  
VA – Travis Voyles  
Navy – Kevin Du Bois

### CBC Staff:

Jen Dieux  
Mark Hoffman  
Marel King  
Anna Killius  
Adrienne Kotula

## **THURSDAY, MAY 4, 2023**

### **WELCOME**

Members met at the Hart Senate Office Building 9th Floor Reception Area. Chair Martin called the meeting to order at 1:15 P.M. He also welcomed new members of the Commission from Pennsylvania, Representative Carol Hill-Evans, and DEP Acting Secretary Rich Negrin.

### **ROLL CALL**

Chair Martin then asked Executive Director Anna Killius to call the roll.

### **FOLLOW-UP FROM JANUARY MEETING**

Chair Martin asked Executive Director Anna Killius to present the group with follow-ups from the January Meeting. Anna provided updates on the *Chesapeake Bay: An Evaluation of System Response (CESR)* report and the April 10th Fish and Farms field trip for Congressional Staff hosted in southern Lancaster County.

### **THE 2023 FARM BILL, PART ONE: MAXIMIZING OUR OPPORTUNITY**

Chair Martin introduced Jason Gleason, Executive Vice President at Crossroads Strategies, to review the Commission's five priorities for the next federal Farm Bill. Two regional experts, Matt Royer, Director of the Penn State Agriculture and Environment Center, and Keisha Sedlacek, Federal Director for the Chesapeake Bay Foundation, reflected on existing opportunities within and potential improvements for workforce development and the Conservation Reserve Enhancement Program (CREP), respectively, in the Chesapeake Bay watershed. Royer provided updates on the Center for Agricultural Conservation Assistance Training at Penn State Extension. Sedlacek described a proposed "turnkey" pilot program for CREP, which would allow landowners to assign cost-share and practice incentive payments to a third party for installation, management and maintenance of riparian forest buffers. A similar program has been very successful in Virginia.

### **THE 2023 FARM BILL, PART TWO: BIPARTISAN AND BICAMERAL SOLUTIONS**

Chair Martin next invited professional staff from the House and Senate Agriculture Committees to share perspectives on bipartisan opportunities within the Farm Bill's conservation title to advance local water quality efforts. The Commission was joined by Callie Eideberg, Senior Professional Staff for Chairwoman Debbie Stabenow; Coleman Garrison, Senior Professional Staff for Ranking Member John Boozman; and Ashley Smith, Deputy Staff Director for Ranking Member David Scott. Discussion included the use of supplemental funding provided through the Inflation Reduction Act; the importance of workforce development, training and technical service providers; the impact of invasive blue catfish and catfish processing hurdles on the Bay ecosystem; and forthcoming, agency-led changes to the Regional Conservation Partnership Program.

### **DEPARTMENT OF THE INTERIOR: National Park Service**

#### **Channeling the Potential of a Chesapeake Bay National Recreation Area**

The Commission welcomed Shelby Prettiman, Legislative Assistant for U.S. Senator Chris Van Hollen, and Leila Duman, Senior Legislative Assistant for Representative John Sarbanes, to provide an update on the proposed Chesapeake Bay National Recreation Area (CBNRA).

Prettiman and Duman described the draft legislation and the collaborative process behind the CBNRA’s guiding principles, including voluntary land transfers, a commitment to a land-based proposal and a citizen advisory committee. They also provided economic impact comparisons from existing NRAs.

**ADJOURNMENT**

Before the Commission adjourned, John Busovsky, a member of Chairman Glen “GT” Thompson’s professional committee staff who was unable to join Part Two of the Farm Bill panel, spoke with Commission members about the Chairman’s priorities for the Farm Bill. Afterwards, the Commission adjourned for the day at 3:45 P.M.

**FRIDAY, MAY 5, 2023**

**WELCOME & ROLL CALL**

Chair Martin called the meeting to order at 9:15 A.M. and asked Executive Director Killius to call the roll. A quorum was present.

**ADOPTION OF MINUTES**

Chair Martin called for approval of the minutes from the January meeting. Director Wheeler moved to amend the minutes to reflect his comments regarding the need to resolve crediting concerns for projects funded through NFWF-administered grants. The motion was adopted. The amended minutes were approved unanimously.

**ADOPTION/MODIFICATION OF AGENDA**

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

**ADMINISTRATIVE ACTIONS**

The Commission unanimously approved the 2024 Meeting Dates. The Commission unanimously approved the Fiscal Year 2024 Budget. The Commission unanimously approved increasing the Fiscal Year 2025 Appropriations Request for each jurisdiction to \$370,000.

**EXECUTIVE DIRECTOR’S LIGHTNING ROUND UPDATES**

Chair Martin asked Executive Director Killius to update the Commission on important and timely issues impacting the Chesapeake Bay watershed. Anna announced two changes within the Chesapeake Bay Program Office Leadership and discussed progress in meeting the Executive Council’s charge to create a critical path forward leading up to and beyond 2025. She provided updates on the Blue Crab Benchmark Stock Assessment, and the importance of an interim report on the Assessment’s progress was discussed. Anna provided the status and impact of two Bay-related lawsuits, *The Chesapeake Bay Foundation, Inc. et al v. U.S. EPA et al.* and *Waterkeepers Chesapeake, et al. v. FERC*. Finally, she discussed the latest developments regarding CAST 2021 Progress and the USDA-EPA Federal Crediting Taskforce.

**DELEGATION CHAIR REPORTS**

It is early in the first year of Pennsylvania’s two-year legislative session. Chairman Martin reported that there is optimism for the upcoming state budget, building on the success of last

year. Also, technical corrections to the fertilizer act are moving forward. Senator Yaw and Representative Sturla have reintroduced their bills prohibiting PFAS in firefighting foam and Senator Yaw is also looking to introduce legislation that would prohibit PFAS in food packaging. Representative Sturla has also reintroduced several bills from previous sessions regarding a water use fee, livestock stream exclusion, and conservation requirements for preferential tax assessment. Senator Yaw announced that a researcher at Penn State would like to analyze the sediment behind Conowingo Dam for critical minerals. Samples collected as part of a recent analysis by Maryland are archived with the Maryland Geological Survey and MD DNR Acting Secretary Goshorn agreed to follow-up.

For the Maryland Delegation, Vice-Chair Stein reviewed a number of bay-related bills that passed during the 2023 session, including the formal creation of an environmental crimes unit in the Office of the Attorney General, a required study on PFAS-risk in agricultural pesticides, the creation of a Greenspace Equity Program to help address the disparate environmental benefits of land conservation programs and the establishment of a Maryland native plant program. Senator Elfreth then spoke on several successful bills for which she was a lead sponsor: expansion of the state's forest conservation goals and strengthening of the Forest Conservation Act, establishing ambitious goals for land conservation (the Maryland the Beautiful Act), requiring MDE to update stormwater plans and discharge permit requirements and creating a state-wide producer responsibility program for packing materials. Del. Love was the House lead on this significant legislation, that had been the topic of much work by the CBC. Senator Elfreth also reviewed the many budget wins for watershed restoration in the state budget, including additional funding for a blue crab stock assessment and mussel conservation.

Senator Lewis began the Virginia discussion by noting that much of the Virginia delegation's work is focused on budget amendments and funding policy priorities. Unfortunately, the Virginia General Assembly has yet to pass an updated budget for the upcoming fiscal year. Economic uncertainty is playing a large role in the decision-making process. Senator Lewis also noted that the Virginia delegation was successful in passing the final piece of their resilience legislative package from 2022 which focused on encouraging local governments to include resilience within their comprehensive plans.

### **CONSERVATION WORKFORCE DEVELOPMENT IN THE DISTRICT**

In a continuation of the Commission's focus on conservation workforce development, Chair Martin invited Xavier Brown, Director of C2 Academy at the University of the District of Columbia and Anacostia Ambassador, as well as Teresa Martin and John Turvey of the Living Classrooms Foundation to share their work to connect students and adults within Washington, DC's 8<sup>th</sup> Ward to STEM career opportunities in conservation and environmental education. They discussed the history of the Anacostia River and its watershed communities, the partnerships at work to connect students and residents with restored natural spaces, and efforts to scale their initiatives and connect participants with employers long-term.

### **INTERIM ACTIONS**

Chair Martin asked Executive Director Killius to share any interim actions identified by Commission members during the meeting. Anna noted the request for detailed Farm Bill language on invasive blue catfish in the Chesapeake Bay to be shared with Congressional staff

and a letter by the Governors of Maryland and Virginia to be pursued. She also noted the need for an interim report on the Blue Crab Benchmark Stock Assessment. Commission staff were also asked to ensure that timely information is shared on how states can make best use of any new CREP opportunities in the 2023 Farm Bill, Virginia's precision agriculture tax credit program, and the availability of Conowingo sediment core samples housed by the Maryland Geological Survey for possible critical mineral testing. Commission members identified an interest in having an expert panel on PFAS present at a future Commission meeting to discuss the status of the research, EPA rulemaking updates, and federal funding availability. Director Wheeler again noted his ongoing concerns related to the crediting of NFWF-administered grant projects to jurisdictional WIPs. Acting Secretary Goshorn noted that Maryland has been receiving the data since 2019, but his staff advises there is room for improvement and one specific concern is verification at the end of each project's planned useful life. Senator Elfreth suggested the Commission create a working group to assess gaps in crediting and verification for these NFWF-administered grant projects, Chair Martin agreed, and there was consensus to move forward with this approach. Senator Elfreth, Director Wheeler, Delegate Bulova, and staff on behalf of Secretary Negrin all agreed to serve on the workgroup with the assistance of CBC staff.

#### **NEW BUSINESS**

Chair Martin asked if there was any new business to come before the Commission. There was no new business.

#### **PUBLIC COMMENT**

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

#### **ADJOURNMENT**

The Commission adjourned at 12:00 P.M.