



CHESAPEAKE BAY COMMISSION

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JANUARY 2022, QUARTERLY MEETING

The Chesapeake Bay Commission held its first quarterly meeting of 2022 on Thursday and Friday, January 6-7, 2022. The meeting was held in Annapolis, MD.

Commission members in attendance:

Delegate Robert Bloxom
Delegate David Bulova
Senator Sarah Elfreth
PA Citizen Member, Warren Elliott
Representative Keith Gillespie
Delegate Nancy Guy
Senator Guy Guzzone
Secretary Jeannie Haddaway-Riccio
Senator Emmett Hanger
Secretary Ann Jennings
Senator Lynwood Lewis
Senator Scott Martin
Secretary Patrick McDonnell (represented by Aneca Atkinson)
VA Citizen Member, Missy Cotter Smasal
Delegate Dana Stein (Day 2 only)
Senator Gene Yaw

Not in attendance:

Delegate Tony Bridges
Representative John Hershey
Delegate Sara Love
MD Citizen Member, Thomas “Mac” Middleton
Representative Mike Sturla
RDML Charles Rock

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

CBC Staff:

Ann Swanson
Jen Dieux
Mark Hoffman
Marel King
Adrienne Kotula

THURSDAY, JANUARY 6, 2022

WELCOME

Chair Bulova welcomed everyone and called the meeting to order at 12:55 P.M.

ROLL CALL

Chair Bulova then asked Executive Director Swanson to call the roll. A quorum was present. In light of the election results in Virginia, Chair Bulova thanked Delegate Guy for her service to the Commission, and also recognized Ann Jennings, Secretary, Virginia Natural and Historic Resources, for her long-term support to the Commission. He also recognized Warren Elliott's recent receipt of the Rick E. Savage Award from the Mid-Atlantic Fisheries Council.

ADOPTION OF MINUTES

Chair Bulova called for approval of the minutes from the November meeting. Senator Martin moved to approve the minutes as presented and Senator Elfreth seconded the motion. The November meeting minutes were unanimously approved and there was no discussion.

ADOPTION/MODIFICATION OF AGENDA

Chair Bulova asked for comments or questions on the agenda from the members. Hearing none, Senator Martin moved to approve the agenda as presented and Senator Elfreth seconded the motion. The agenda was unanimously approved and there was no discussion.

FEDERAL UPDATE – ONE YEAR OUT

Chair Bulova introduced the new EPA Region III Administrator Adam Ortiz. Mr. Ortiz thanked the Commission for the invitation to speak and have a dialogue with the Commission members - he noted this was only a "first conversation." Mr. Ortiz said the restoration of the Chesapeake Bay was a front burner issue for the EPA, and it will take "all hands on deck." He noted his desire for EPA to be more engaged with all stakeholders. He noted that just yesterday he had announced a willingness to use backstop measures, if needed, to achieve the TMDL goals. He also just met recently with the Pennsylvania Farm Bureau, an example of one of EPA's core functions – the power to convene. He said they were working to fill the Bay Program Office Director's position. Senator Yaw brought up the issue of needing to engage legislative leadership beyond the members of the Commission to further address Bay-related concerns. Mr. Ortiz said he would be welcome to meeting with legislative leadership throughout the watershed. There was agreement for the Commission to help facilitate a larger dialogue between EPA and the appropriate legislative leaders in the member states.

2022 FEDERAL PRIORITIES FOR THE COMMISSION

Ann Swanson introduced Jason Gleason from Crossroads Strategies, our federal lobbyist. Due to COVID, Jason was unable to be at the meeting in-person, so he presented remotely. He noted that it was important that we not back-slide as related to funding for Chesapeake Bay programs. He said the 2023 appropriations process was likely to be delayed as Congress still needed to pass appropriation bills for FY 2022. Executive Director Swanson proposed four priorities for the Commission's federal funding request for FY 2023: 1) funding at the authorized level for the EPA-Chesapeake Bay Program; 2) funding at the authorized level for Chesapeake WILD; 3) increased funding for USDA-NRCS Conservation Operations; and 4) increased funding for USGS work in the Bay watershed. The Commission was agreeable to these priorities.

THE 2022 GENERAL ASSEMBLY SESSIONS

Virginia (Chair Bulova)

Chair Bulova outlined some of the priorities for himself and the other members of the Virginia Delegation of the Commission for the upcoming session of the General Assembly. He noted the emphasis on funding, for purposes such as agriculture BMPs and combined sewer-overflows. He also noted the resilience related legislation that the Delegation would be pursuing as a result of the Commission's Climate Policy Gaps Analysis.

Maryland (Senator Elfreth)

Senator Elfreth outlined some of the priorities for herself and other members of the Maryland Delegation. These included funding bay-related programs, including enhanced support for the State Park system, and specific legislative initiatives related to conservation finance, resiliency, PFAS, oysters and climate change.

Pennsylvania (Senator Yaw)

Senator Yaw spoke for the Pennsylvania Delegation. He reviewed a list of legislative initiatives they are leading to enhance watershed restoration: 1) clean streams fund; 2) more funding for Growing Greener; 3) the fertilizer bill; and 4) PFAS. He noted the high level of interest and concerns related to these issues at present.

MAKING THE GRADE (*A comparison of Bay annual "report cards."*)

Rachel Felver, Communications Director from the Chesapeake Bay Program

Bill Dennison, Vice President for Science Applications from University of MD Center for Environmental Science (UMCES)

Doug Myers, Maryland Scientist at Chesapeake Bay Foundation

Each speaker gave a presentation giving background on their "report card" – the methodology used, the standards that determine the assessment, and how a grade is determined, among other characteristics.

The Chesapeake Bay Program produces the *Bay Barometer*, which focuses on the Program's progress on the goals and outcomes specified in the 2014 Watershed Agreement. It does not include a letter grade.

UMCES produces the *Chesapeake Bay Report Card*, which traces its origins to work UMCES did in the 1990s for Australia. Through that, they developed a rigorous framework to define the standards and application of the report card and have expanded this to multiple geographies. Over 200 people are involved in the analysis.

CBF produces the *State of the Bay Report*, that quantifies water quality and other parameters (like oyster populations) against pre-determined goals. Grades are based on historical baseline data, best professional judgment, and monitoring data. Modeling results are not used.

A discussion followed on how the stakeholders could work together to ensure clarity in their messaging to the general public.

ADJOURNMENT

The Commission adjourned for the day at 4:20 P.M.

FRIDAY, JANUARY 7, 2022

WELCOME & ROLL CALL

Chair Bulova called the meeting to order at 9:13 A.M. and asked Executive Director Swanson to call the roll. A quorum was present.

EXECUTIVE DIRECTOR'S LIGHTNING ROUND UPDATES

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

Executive Council Meeting (12/15/21)

The December meeting of the Executive Council had four purposes: 1) the election of the new chair, EPA Administrator Michael Regan; 2) to review progress on the DEIJ Statement adopted in August of 2020; 3) the release of the Bay Barometer; and 4) to hear reports from three Advisory Committees (Citizen Advisory Committee, Local Government Advisory Committee, and Scientific and Technical Advisory Committee).

Open Meeting Protocols

Now that we are back to in-person meetings, the Executive Committee reviewed the meeting protocols to ensure we were in full compliance with open meeting requirements. The Chesapeake Legal Alliance assisted in this effort. The updated protocols are included in each member packet.

Plastics Workplan

To follow-up from the discussion and direction at the November 2022 meeting, we will provide a review of plastic-related legislation across the nation and take a more in-depth look at what actions are being taken to enact extended producer responsibility laws.

Blue Crab Requests

As directed at the last Commission meeting, two letters were sent concerning blue crabs, one calling for the Stock Assessment Committee to conduct a benchmark stock assessment and the other requesting the Fisheries GIT to sponsor a workshop investigating juvenile crabs. The staff will keep the Commission updated as these requests proceed through the process.

2022 & 2023 CBC Meeting Dates

A schedule of 2022 and 2023 meeting dates are included in each folder; the 2023 dates will be voted on during the May meeting.

PROGRESS ON 2014 WATERSHED AGREEMENT OUTCOMES

Executive Director Swanson provided background on the Commission's review of the 2014 Watershed Agreement outcomes, and the specific items to be considered today. Forest buffers and wetlands are two goals where significant progress is yet to be seen. Focus on these items will be necessary in the coming years to ensure success.

FOREST BUFFERS

Beth McGee, Director of Science and Agricultural Policy at Chesapeake Bay Foundation
Cindy Adams Dunn, Secretary of PA Department of Conservation & Natural Resources

Both Dr. McGee and Secretary Dunn gave presentations that are included in the member packets. Dr. McGee noted the current shortfall in achieving buffer goals, and made some recommendations, such as increasing the cost-share for buffer plantings to encourage producers to implement at the rate needed, and to better incorporate the costs of buffer maintenance in the planning and incentives for participation. She also noted that Virginia requires buffers for participation in a permanent agricultural easement. Secretary Dunn highlighted the Keystone Tree Fund, and the impetus it is providing for buffer establishment, and suggested that flood mitigation and resiliency funding could be leveraged for buffers. She also invited the Commission to participate in a tree planting at a future meeting.

WETLANDS

Amy Jacobs, Chesapeake Agricultural Program Director at The Nature Conservancy

Ms. Jacobs provided an overview of wetlands in the Bay watershed, their current state, and the related restoration goals of the Watershed Agreement. The goal is a mere 5% of all wetlands that have been lost to date, but progress continues to be limited. One issue is the lack of technical service providers with the specialized knowledge needed for wetland restoration projects.

BLUE CATFISH

Marty Gary, Executive Secretary, Potomac Rivers Fisheries Commission

Mr. Gary provided a presentation on the history and current status of the invasive Blue Catfish in the Chesapeake Bay watershed. He noted that there is an Invasive Catfish Workgroup that is collaborating to better understand this species and its current and potential future impacts to aquatic ecosystems. He noted the issues created when federal law changed to give USDA inspection authority over catfish processing, and the research gaps that exist related to our understanding of this species.

POLICY DISCUSSION

The members had a follow-up discussion on the morning's presentations. They requested that the staff further investigate forest buffer and wetland progress over the coming year.

NEW BUSINESS

Chair Bulova asked if there was any new business. There was no new business brought forward.

PUBLIC COMMENT

Chair Bulova noted that no one had signed up to make public comments.

ELECTION OF OFFICERS

Each Delegation presented its nomination for leadership with was then considered by the full Commission. Proxies were received from Del. Bridges, Rep. Hershey, Del. Love, Sen. Middleton, and Rep. Sturla.

Maryland:
Senator Sarah Elfreth, Chair
Delegate Sara Love, Vice-Chair;

Pennsylvania:
Representative Keith Gillespie, Chair
Senator Scott Martin, Vice-Chair;

Virginia:
Senator Lynwood Lewis, Chair
Delegate Robert Bloxom, Vice-Chair.

The members unanimously endorsed the slate of candidates from each Delegation.

Chair Bulova noted what an honor it had been to have been Chair of the Commission, and the robust conversations over the past year. He thanks the staff for their passion and energy. With the Chair rotating to Maryland, incoming full Commission Chair Elfretth thanked the other members for her election, and noted the work needed to be done as we approach the 2025 deadline of the TMDL, and the need for policy-oriented solutions.

ADJOURNMENT

The Commission adjourned at 12:38 P.M.