



# CHESAPEAKE BAY COMMISSION

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## SEPTEMBER 9-10, 2021, QUARTERLY MEETING

The Chesapeake Bay Commission held its third quarterly meeting of 2021 on Thursday and Friday, September 9-10. The meeting was held in Easton, MD.

### Commission members in attendance:

Delegate Robert Bloxom  
Delegate Tony Bridges  
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  
Representative John Hershey  
Senator Lynwood Lewis  
Delegate Sara Love  
Secretary Patrick McDonnell (represented by Jill Whitcomb)  
MD Citizen Member, Thomas "Mac" Middleton  
Delegate Dana Stein (Day one only)  
Representative Mike Sturla  
RDML Charles Rock

### Not in attendance:

Senator Scott Martin  
VA Citizen Member, Missy Cotter Smasal  
Secretary Matt Strickler  
Senator Gene Yaw

### Staff:

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

### CBC Staff:

Ann Swanson  
Jen Dieux  
Mark Hoffman  
Marel King  
Adrienne Kotula

## **THURSDAY, SEPT 9, 2021**

### **WELCOME**

Chair Bulova welcomed everyone and called the meeting to order at 12:03 P.M. He asked Rob Etgen, President of the Eastern Shore Land Conservancy (ESLC), to welcome the Commission to the Eastern Shore Conservation Center. Mr. Etgen described work of the ESLC and the history and redevelopment of the building that is now the Conservation Center.

### **ROLL CALL**

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

### **ADOPTION OF MINUTES**

Chair Bulova called for approval of the minutes from the May meeting. Senator Guzzone moved to approve the minutes of the May meeting. The motion was seconded by Senator Elfreth and there was no discussion. The May meeting minutes were unanimously approved.

### **ADOPTION/MODIFICATION OF AGENDA**

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

### **CLIMATE CHANGE AND WATER QUALITY**

Chair Bulova introduced Elizabeth Andrews from the Virginia Coastal Policy Center to continue the Commission's dialogue on climate change. Ms. Andrews reviewed areas of interest identified in the May Commission meeting. She noted five broad areas of potential action for state government: 1) data and science; 2) educate the public; 3) providing local government tools and authority to act; 4) provide funding that allows for cost-effective targeting and multiple benefits; 5) memorialize efforts in state code (instead of just policy statements). She provided examples from states within and outside of the watershed to illustrate state action to address each of these areas. The Commission had a robust discussion of various state programs and policies.

### **Field Trip Orientation**

#### **OPPORTUNITIES TO IMPROVE WATER QUALITY ON THE MID-SHORE**

Isabel Hardesty, Executive Director of Shore Rivers welcomed the Commission to the Conservation Center, the headquarters for ShoreRivers. She gave background on the history and success of the non-profit and noted their success in working at the local level with the Town of Easton. She also provided an orientation to the projects the Commission would see on its field trip later that afternoon.

#### **URBAN STREAM RESTORATION FOR MS-4 COMPLIANCE**

Easton's Town Engineer, Rick Van Emburgh presented to the Commission on the Town's stream restoration project at Papermill Branch. He noted the impetus for the project was persistent flooding in certain low-lying and poorly drained areas of the Town. However, the project has also allowed Easton to address a sizable portion of its MS-4 permit requirements. Kody Cario, the Project Manager for the restoration project provided additional details, and his son, Ryder Cario, a 7th Grade Student, showed the members his short video describing the project before the site visit.

## **PAPERMILL BRANCH STREAM RESTORATION**

The Members boarded the bus for the first stop on the field trip, stopping at the Papermill Branch Stream Restoration Project first. Mr. Cario provided additional details about the project's need, design, and funding. Funders included the Maryland Department of Natural Resources Trust Fund, the Chesapeake Bay Trust, and the National Fish & Wildlife Foundation.

## **URBAN TREES FOR COMMUNITY AND ECOLOGICAL BENEFITS**

Leaving the restoration site, Matt Pluta of ShoreRivers took the group on a bus tour of the urban trees in the Town of Easton. He noted the challenges of improving the urban tree cover within the Town and the need to address all parts of the community.

## **ACHIEVING FARM RESILIENCY USING CONSERVATION DRAINAGE**

Commission members visited land farmed by Hutchison Brothers and were given an overview of the farming operation by Kyle Hutchison. Tim Rosen, from ShoreRivers highlighted innovative solutions at this farm, particularly enhanced ditch management, that has both increased the productivity of the land, while decreasing nutrient loadings from the agricultural fields.

## **FAIR HILL FARMS**

The Members were able to tour Ed and Marian Fry's 500-cow organic dairy farm. Members were able to witness the state-of-the-art evening milking at the farm. Fair Hill Farms integrates three management systems: cow management, waste management, and organic crop land.

## **FRIDAY, SEPTEMBER 10, 2021**

### **WELCOME & ROLL CALL**

Chair Bulova called the meeting to order at 9:08 A.M. and asked Executive Director Swanson to call the roll. A quorum was present.

### **EXECUTIVE DIRECTOR'S LIGHTNING ROUND UPDATES**

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

### **October Executive Council meeting**

Ms. Swanson noted the 2021 Chesapeake Bay Executive Council Meeting is scheduled for October 1st in Virginia Beach, Virginia at the Chesapeake Bay Foundation's Brock Center. The members will be signing a Climate Directive, focusing on incorporating resiliency and adaptation actions into the existing Bay Agreement goals and the day-to-day actions of the Bay Program and Partnership.

### **Federal Updates**

On the federal affairs front, we are actively working on several legislative vehicles in Congress: the bipartisan infrastructure bill, the budget reconciliation package, the FY 2022 appropriations bills and the national defense authorization.

The bipartisan infrastructure bill includes funding for the EPA Chesapeake Bay Program in the amount of \$238 million over 5 years. The bill also includes a significant increase in funding for stormwater infrastructure via the State Revolving Loan Funds, which is a national program, but could double the amount of funding received in our region.

We have proposed that USDA create a \$737M Chesapeake Resilient Farms Initiative, using new money and have been working to ensure that the budget reconciliation package includes funding for USDA conservation programs to establish this program. The budget resolution to set topline funding levels for committees in this process passed both the House and Senate. While final funding levels will not be known until the bill has passed both the House and Senate, we believe we are in a good position as the House Committee on Agriculture takes the first turn at the bill. The Committee was allotted more than \$100B, \$30B of which is categorized under conservation. This includes \$16.5B for EQIP and \$6B for the Regional Conservation Partnership Program. There is also \$250M for CTA.

We are working to ensure that USDA directs a portion of these funds to create the Chesapeake Resilient Farms Initiative. The Agriculture Secretaries from all the states in the watershed recently sent a letter to USDA supporting our effort. The Conservation Community has made its creation one of its top priorities. Our leadership met with NRCS Chief Cosby on September 8.

In the FY 2022 appropriations bills, we are pursuing the priorities included in our annual budget request and have had successes in doing so to this point in the process. One of our priorities was to again grow the EPA Bay Program from \$87.5M to \$90.5, in keeping with the new authorized amounts. For FY 2022, the House of Representatives has proposed funding the program at \$90.5M (the Senate has not yet released its bill for FY 2022).

Lastly, we are pursuing legislation to allow the Department of Defense to commit additional funding to stormwater infrastructure on military bases across the country and in the Chesapeake Bay watershed. As the military is a major landowner in the region, this could provide meaningful pollution reduction on federal lands.

### **Conowingo WIP and Finance Plan**

The Conowingo WIP became necessary when science confirmed that the reservoir behind the Conowingo Dam no longer has the long-term ability to store sediment and nutrients, and the subsequent decision in 2017 by the Principals' Staff Committee (PSC) to create and execute a separate WIP to address these additive loads.

At the July meeting of the PSC, the Phase 1 Finance Plan was presented for consideration. Formal action was not taken on the proposal but deferred for more consideration and discussion given the magnitude of the undertaking.

The proposal would designate the Susquehanna River Basin Commission (SRBC) as the "CWIP Financing Authority." The SRBC is a multi-jurisdiction entity established by both federal and state law in PA, MD, and NY to manage the water resources of the Susquehanna.

We consulted with counsel to determine if the Commission could enter into such an agreement. Our enabling legislation is explicit – our role is to "Assist the Legislature in evaluating and responding to mutual Bay Concerns" and to "provide, where appropriate, advice to legislatures." Counsel felt that standing up a separate authority or expanding the authority of an existing entity went beyond our powers and was more of a function of the Executive Branch.

## **PROGRESS ON BAY AGREEMENT OUTCOMES**

Chair Bulova then asked Executive Director Swanson to present the progress in achieving the outcomes targeted in the 2014 Chesapeake Bay Watershed Agreement.

Ms. Swanson provided background information on the history of the Bay restoration effort, including the involvement of the Commission from the very beginning. Commission staff selected a subset of key outcomes to review over the next three Commission meetings, and Ms. Swanson reviewed whether the program was “on track” (or not) in achieving the targeted outcomes by 2025. Areas identified of particular concern were forest buffers, wetlands, and the attainment of water quality standards.

Today, the subject matter experts would dive deeper into the public access and projected lands goals.

## **PROTECTED LANDS OUTCOME**

Chair Bulova introduced Wendy O’Sullivan from the National Park Service and Joel Dunn from Chesapeake Conservancy to address the land conservation goals of the Watershed Agreement.

They provided a brief background on land conservation both nationally, and its role in the Chesapeake watershed restoration efforts. They also described the components of the Great American Outdoors Act and the “30 x 30” initiatives. Information was provided on the status of land conservation (9.2 million acres) and how these conserved lands are distributed between ownership and ownership type. The reasons land conservation has been successful were described, as was the path forward to continue to enhance these efforts.

## **PUBLIC ACCESS OUTCOME**

The team then turned their attention to the public access outcome and noted the success and challenges in achieving the goal (300 new public access sites). We have currently achieved 69% of this goal. Identified next steps include addressing: 1) diverse ways people access nature across the Chesapeake watershed; 2) equity and public access; 3) quality of public access sites; and 4) climate resilience of public access sites.

Curtis Bennet, Director of Equity and Community Engagement for the National Aquarium then spoke to the Commission. He posed a question – what is it going to take to ensure that everyone has opportunities to connect to the outdoors? He noted how this issue is at the intersection of environmental justice and diversity, and particularly important to the work of the Aquarium. He also described their involvement with Masonville Cove, the first urban wildlife refuge partnership, the gem of south Baltimore, and how the success of that project was based on involving people from the very start.

Then Darius Johnson, from Kent Attainable Housing spoke about his experiences growing up in Kent County, Maryland, and how that has shaped his view of conservation. During his work at the Eastern Shore Land Conservancy, he first noted the lack of public access and equitable opportunities for people of color to engage with the outdoors. He provided several recommendations to the Commission, such as creating a funding program to incentivize conservation activity at the residential level through collaboration between housing and conservation organizations - not traditional partners.

**NEW BUSINESS**

Chair Bulova asked if there was any new business. Admiral Rock brought to the attention of the members that his office had just released the “DoD Chesapeake Bay Program Fiscal Year 2020 Annual Progress Report” and a copy was provided to each member, along with a packet of additional information related to DoD initiatives in the watershed. Chair Bulova thanked him for this valuable information.

**PUBLIC COMMENT**

Chair Bulova asked if any members of the public would like to provide comments and there was none.

**ADJOURNMENT**

The Commission adjourned at 12:30 P.M.