



# CHESAPEAKE BAY COMMISSION

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## JANUARY 4-5, 2024 QUARTERLY MEETING

The Chesapeake Bay Commission held its first quarterly meeting of 2024 on Thursday and Friday, January 4-5, 2024. The meeting was held in Annapolis, MD.

### Commission members in attendance:

Representative Kerry Benninghoff  
Delegate Robert Bloxom  
Delegate David Bulova  
Senator Sarah Elfreth  
Warren Elliott, PA Citizen Member  
Senator Guy Guzzone  
Senator Emmett Hanger  
Representative Carol Hill-Evans  
Secretary Josh Kurtz  
Delegate Julian Ivey  
Vincent Leggett, MD Citizen Member  
Senator Lynwood Lewis  
Delegate Sara Love  
Senator Scott Martin  
Interim Acting Secretary Jessica Shirley  
Missy Cotter Smasal, VA Citizen Member  
Delegate Dana Stein  
Director Andrew Wheeler  
Senator Gene Yaw  
RDML Wes McCall

### Not in attendance:

Representative Mike Sturla  
Delegate Tony Wilt

### Member Staff:

MD – David Goshorn  
PA – Bevin Buchheister  
Jill Whitcomb  
VA – Stefanie Taillon  
DoD – Kevin Du Bois

### CBC Staff:

Jen Dieux  
Mark Hoffman  
Anna Killius  
Marel King  
Adrienne Kotula

## **THURSDAY, JANUARY 4, 2024**

### **WELCOME AND NEW MEMBER INTRODUCTIONS**

Commission Chair Martin called the meeting to order at 12:40 pm and welcomed members to Annapolis. Chair Martin then introduced newly appointed Maryland Citizen Member Vincent Leggett. Chair Martin then introduced Pennsylvania Department of Environmental Protection Interim Acting Secretary Jessica Shirley.

### **ROLL CALL**

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

### **ADOPTION OF MINUTES**

Chair Martin called for approval of the minutes from the November meeting. The motion was adopted with Chair Martin abstaining, and the minutes were approved.

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

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

### **FOLLOW-UP FROM NOVEMBER MEETING**

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

#### **INVASIVE BLUE CATFISH**

During our November Meeting, the Commission directed staff to continue working with Maryland, Virginia, and other stakeholders on a shared path forward for invasive blue catfish management in the Chesapeake Bay. Our goal at this time is to identify a consistent set of federal resource needs that we can communicate to Congress as they hopefully close out the 2024 appropriations process. We are working with the jurisdictions to identify what a meaningful level of federal investment in catfish processing infrastructure would be, as determined by the amount of catfish we should be aiming to harvest, and the level of processing capacity needed to handle that harvest. There is also the potential of new funding through USDA's Animal and Plant Health Inspection Service (APHIS) to help control invasive blue catfish in the Chesapeake Bay. That funding was successfully added to a Senate spending bill by Senators Van Hollen and Cardin.

In addition to federal support for processing infrastructure and APHIS assistance, it is also clear from our conversations with the jurisdictions and stakeholders that any effort to ensure more invasive catfish are harvested and processed will only be successful if there is a robust market that will return profitable prices for the product. We will continue to work with Maryland and Virginia to identify marketing resources and strategies.

#### **AGRICULTURE ADVISORY COMMITTEE ACTION TEAM**

At the September Principals' Staff Committee Meeting, the PSC agreed to pursue an Executive Council Directive to establish an Agriculture Advisory Committee. The Executive Council currently receives recommendations from three existing advisory committees: Local Government, Stakeholders, and

Science and Technical. This expected Directive would add Agriculture as a fourth advisory committee. At the December PSC meeting, the partners agreed to establish an action team that will develop recommendations for the creation of an Ag Advisory Committee, and those recommendations are to be ready for PSC consideration during its June meeting. Marel King will represent the Commission on this action team.

### **EPA OFFICE OF THE INSPECTOR GENERAL RESPONSE**

In July, we shared with you by email an evaluation of EPA’s leadership and oversight in achieving the Chesapeake Bay TMDL that had been conducted by EPA’s Office of the Inspector General (OIG). The OIG determined that “without EPA assistance to address the remaining nonpoint source pollution, Agency leadership to develop new goals and deadlines, and implementation of a process to hold jurisdictions accountable for achieving nonpoint source pollution reductions,” EPA and the Bay jurisdictions would fail to meet their TMDL goals.

The OIG identified three recommendations for EPA:

- 1) Lead the Bay Program in developing a new approach to address nonpoint source pollution.
- 2) Work with the Bay Program partners to set new jurisdictional goals and a new deadline to have practices in place to meet the TMDL.
- 3) Work with Bay Program partners to develop an assurance mechanism to hold jurisdictions accountable for achieving nonpoint source reductions.

The second recommendation, related to new goals and deadlines, is being resolved largely through the Beyond 2025 Steering Committee’s work. To resolve the other two recommendations, EPA Region 3 will make two motions to the Bay Program’s Management Board by the end of 2024: one stating that the partnership will develop a strategy to address nonpoint source pollution in the Bay watershed, and the other stating that the partnership will develop additional accountability measures for nonpoint source reduction beyond the existing Accountability Framework and other public accountability tools.

### **FEDERAL POLICY UPDATES**

Jason Gleason and Wally Burnett from Crossroads Strategies joined the Commission for an update on our federal policy efforts. They started their presentation by noting that this is a Congressional session like no other, with little legislative work going on. With the federal government operating on a continuing resolution until February, this is not likely to change in the short-term. Even though an FY24 budget has yet to be developed, FY25 budget requests will still need to be solidified in the coming months.

They also shared that the Farm Bill has already been extended to September 30, 2024, but negotiations could continue all the way into the next session of Congress. The Conservation Title of the Farm Bill is not contentious, but the Nutrition Title is what is holding up negotiations.

Finally, they shared that the Commission has started working on a request for a stormwater specific fund within the National Defense Reauthorization Act. They requested Commission member support in this effort, as it will be a heavy lift to establish the first stormwater-specific request within this legislation.

### **BEYOND 2025: MOVING THE PARTNERSHIP FORWARD**

Anna Killius, Executive Director of the Commission, shared the work that is being done within the Chesapeake Bay Program partnership to determine the process for moving Beyond 2025. She shared the charge from the Chesapeake Executive Committee, that a Steering Committee has been appointed to execute the charge, and that she is co-chairing the effort. Finally, she shared the high-level topics the Steering Committee is tackling as well as the timeline for their efforts.

### **OUR ICONIC LIVING RESOURCES: BLUE CRABS & STRIPED BASS**

Lynn Fegley, Director of Fishing and Boating Services with the Maryland Department of Natural Resources, shared an update on the striped bass population in the Chesapeake Bay watershed. She shared that the striped bass stock is overfished, meaning that the spawning stock biomass is too low. The Atlantic States Marine Fisheries Commission took emergency action in May 2023 to initiate an addendum to the striped bass management plan. The final action on the addendum will be taken later in January and will consider both commercial quotas as well as recreational slot limits to create the appropriate amount of reduction in catch for population sustainability.

Pat Geer, Chief of the Fisheries Management Division with the Virginia Marine Fisheries Commission, shared an update on the blue crab population in the Chesapeake Bay. He shared the results of the 2022/2023 blue crab winter dredge survey which showed that blue crab abundance levels for juveniles and adult males had increased from record-lows in recent years but remained below average. While blue crabs are not overfished and overfishing is not occurring, adult female removals are trending upwards, and removals of adult male crabs exceeded the conservation trigger for the second year in a row. Poor recruitment of juvenile crabs remains a concern. Jurisdictions in the watershed agreed to take a 5-10% reduction in harvest to protect the population. He also shared the ongoing efforts for an updated blue crab stock assessment. Funding has been secured and contracts have been approved; workshops on population drivers and data collection have been held. The results of the blue crab stock assessment are expected in mid-2025.

Chris Moore, Virginia Executive Director for the Chesapeake Bay Foundation, noted the impacts climate change is having on both the striped bass and blue crab populations, and the potential impacts of an invasive species – blue catfish – on both species.

Robert T. Brown, Sr., President of the Maryland Waterman's Association, expressed concerns about the reporting of the recreational catch of striped bass, and noted the population has recovered from depressed levels in the past. He also expressed concern about the potential impacts of blue catfish on the striped bass and blue catfish populations.

### **HEALING THE ANACOSTIA: AN URBAN RIVER RESTORATION**

Christopher E. Williams, President/CEO, from the Anacostia Watershed Society, discussed the work that his organization has done to help transform the Anacostia River from an industrial dumping ground into a thriving ecosystem. He then discussed the focus of their work moving forward, including climate resilient development, nature-based water management solutions, as well as river and wetlands restoration.

Abel Olivo, Executive Director of Defensores de la Cuenca, discussed his work focusing on the Spanish-speaking population in the watershed and enhancing their engagement in protecting their

environment. This work includes building a knowledge bank, creating shared experiences, and building a network of leaders.

Lauren Rauk, Councilmember from the City of Brentwood in Maryland, centered the discussion by introducing her small City and its place in the Anacostia watershed. She shared the work their small government is doing to make their population more aware of their impacts on the watershed and efforts to address flooding.

## **ADJOURNMENT**

The Commission adjourned for the day at 4:16 pm.

## **FRIDAY, JANUARY 5, 2024**

### **WELCOME & ROLL CALL**

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

### **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.

### **NEW CHESAPEAKE BAY PROGRAM OFFICE DIRECTOR**

On December 15<sup>th</sup>, EPA Region III Administrator Adam Ortiz announced that Martha Shimkin will serve as the new Director for the Chesapeake Bay Program Office. Martha has served as Deputy Director since 2021, so she will be drawing on three years of experience with the program and the partners. She also brings expertise gained from time spent with EPA's Office of Water, Office of Chemical Safety and Pollution Prevention, and Office of Chief Financial Officer.

### **2024-2025 MILESTONES**

Every two years, the Bay Program partners submit two-year milestones as part of the Accountability Framework designed to ensure we meet our pollution reduction targets under the TMDL. On January 16<sup>th</sup>, the draft programmatic and numeric milestones for 2024-2025 are due from the jurisdictions, the federal agencies, and the Conowingo WIP. Progress reports on the 2022-2023 programmatic milestones are also due on January 16<sup>th</sup>. Numeric progress is reported through the Chesapeake Assessment Scenario Tool (CAST) each December. We look forward to reviewing, and sharing with you as appropriate, the progress reports, draft milestones, and EPA evaluations as they become available.

### **PROTECTED LANDS PROGRESS**

This fall, the Chesapeake Bay Program announced that the partnership is on target to achieve its Protected Lands Outcome by the 2025 deadline. The Protected Lands Outcome called for an additional two million acres of permanently protected land by 2025, measured against a 2010 baseline. Between 2010 and 2022, nearly 1.64 million acres have been protected, achieving 82% of the land conservation goal and putting the partnership on pace to achieve 100% by 2025. At this rate, the partnership needs to protect roughly 130,000 acres per year to meet our goal (the 2025 goal is 9.8 million acres or roughly 24% of the watershed).

### **2024 & 2025 MEETING DATES**

The members' attention was called to the approved 2024 Commission meeting dates and locations, along with the proposed dates and locations for 2025. Action to approve the 2025 dates and locations will take place during our May meeting.

### **THE 2024 GENERAL ASSEMBLY SESSIONS**

Members from each Delegation then shared hot topics for their upcoming legislative sessions.

Senator Elfreth discussed the Whole Watershed Act which will streamline permitting and funding for restoration in five hydrologic units in Maryland.

Secretary Kurtz shared that they will be pursuing an update to the Critical Area Law to consider climate change and equity, as well as updates to the Conservation Finance Act and electronic reporting requirement for fisheries permitting.

Delegate Stein mentioned that he will have legislation for localities to consider climate change in their comprehensive plans.

Delegate Bulova discussed his efforts on establishing a pay-for-performance program in Virginia. He also noted a number of efforts on the budget, resiliency, invasive species management, and wetlands planning.

Senator Martin discussed some needed technical changes to the fertilizer legislation that was passed recently, as well as Senator Yaw's ongoing interest in PFAS-related legislation. Senator Martin also noted the work he and the Delegation will continue to do on the budget and funding for Bay-related programs. He noted the ongoing success in spending the funds they allocated in 2022.

### **SUSTAINABLE BUSINESSES FOR THE BAY**

Callan Walsh Dever from the Conservation Innovation Fund began the presentation by discussing the role her organization plays in driving on-farm sustainability while keeping farmer profitability at the forefront. It is from this mindset that this partnership was born.

Janae Klingler from the Maryland & Virginia Milk Producers Cooperative described how this collaboration brings significant funding, technical support, and incentives to help farmers prioritize conservation while navigating difficult dairy market conditions.

Mauricio Rosales from the Alliance for the Chesapeake Bay shared how the on-the-ground effort of partnering conservation professionals with the farmers themselves is crucial to success.

### **INNOVATION IN MARYLAND'S AGRICULTURE INDUSTRY**

Maryland Secretary of Agriculture, Kevin Atticks, began the conversation by detailing how agriculture is Maryland's largest industry with the largest influence on water quality. It is from this lens that they try to look for mutually beneficial innovations to both improve the agricultural economy and conserve the Chesapeake Bay.

Belinda Burrier from Burrier's Lingamore Farm discussed how stewardship of the land is not just a legal requirement for Maryland farmers – it is a personal and professional ethic many farmers share. The

Burrier farm has been in the family since 1962, and each year the Burriers strive to improve the soil quality, protect waterways, and maintain strict conservation practices.

Emma Jagoz shared her story as a first-generation farmer who founded Moon Valley Farm in 2012. She believes that stewardship of the land is the ultimate responsibility of the farmer. She is passionate about providing her community with meaningful employment and improving the soil surrounding the region's most important resource, the Chesapeake Bay. Funding through MARBIDCO, the Frederick County Agriculture Innovation Grant, and the federal Value-Added Grant Program have been key.

## **COMMISSION DISCUSSION**

Chair Martin opened the floor for discussion or comments by the members.

Director Wheeler asked about the status of creating an Agricultural Advisory Committee, as recommended by the Secretaries of Agriculture in the watershed. Ms. Killius said the Bay Program had created an Action Team to review the request and report back to the Bay Program's leadership. Director Wheeler noted he would continue to advocate for its creation.

Senator Elfreth asked about the status of the Federal Farm Bill. Ms. Killius responded that Congress was expected to temporarily extend the 2018 legislation and continue work on a new bill in the coming year.

## **INTERIM ACTIONS**

Chair Martin asked Executive Director Killius to share any interim actions identified by Commission members during the meeting. She responded that the staff would continue to look into the balance of grant funding from the EPA Chesapeake Bay Program to the jurisdictions and the National Fish and Wildlife Foundation. She also noted the request for a flow chart on the Beyond 2025 Steering Committee's process, and that staff would update members on the results of the ASMFC deliberations related to striped bass.

## **NEW BUSINESS**

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

## **PUBLIC COMMENT**

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

## **ELECTION OF 2024 OFFICERS**

Each Delegation presented its nomination for leadership which was then considered by the full Commission.

### **Virginia:**

Delegate David Bulova, Chair

Delegate Robert Bloxom, Vice-Chair

### **Maryland:**

Delegate Dana Stein, Chair  
Senator Guy Guzzone, Vice-Chair

**Pennsylvania:**

Senator Gene Yaw, Chair  
Representative Mike Sturla, Vice-Chair

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

Chair Martin then shared that the Chairmanship of the full Commission would rotate to Virginia for 2024 and offered his congratulations to Delegate Bulova. Senator Martin shared that he enjoyed his year serving as Chair and looked forward to the year ahead. He encouraged the Commission to keep moving forward regardless of inevitable challenges.

Delegate Bulova thanked Senator Martin for his service, presenting a personalized gavel as a token of appreciation, and shared that he was excited to lead the Commission over the coming year while discussions of the future of the Bay partnership is front and center.

Delegate Bulova then wished the Delegations success for their legislative sessions and shared the next meeting of the full Commission will be held in May in Frostburg, Maryland.

**ADJOURNMENT**

The Commission adjourned at 12:12 pm.