



CHESAPEAKE BAY COMMISSION

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May 2-3, 2024 QUARTERLY MEETING

The Chesapeake Bay Commission held its second quarterly meeting of 2024 on Thursday and Friday, May 2-3, 2024. The meeting was held in Frostburg, MD.

Commission members in attendance:

Delegate Alex Askew
Delegate David Bulova
Warren Elliott, PA Citizen Member
Senator Guy Guzzone (Day 2 only)
Representative Carol Hill-Evans
Delegate Julian Ivey
Secretary Josh Kurtz
Vincent Leggett, MD Citizen Member (Day 1 only)
Senator Jeremy McPike
Acting Secretary Jessica Shirley
Delegate Dana Stein
Senator Richard Stuart
Representative Mike Sturla
Secretary Travis Voyles
Senator Gene Yaw

Not in attendance:

Representative Kerry Benninghoff
Delegate Robert Bloxom
Senator Sarah Elfreth
Delegate Sara Love
Senator Scott Martin
Missy Cotter Smasal, VA Citizen Member
RDML Wes McCall

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, MAY 2, 2024

WELCOME AND TOURS OF UMCES APPALACHIAN LABORATORY

Before the meeting's formal start, the Commission members were welcomed to the Appalachian Environmental Laboratory (AEL) by Director Dr. David Nelson. Dr. Nelson provided an overview of the history and purpose of the facility. The members then heard from several faculty on their research areas and toured several labs.

WELCOME AND NEW MEMBER INTRODUCTIONS

Commission Chair Bulova called the formal meeting to order at 1:23 pm and welcomed members to Western Maryland. Chair Bulova then introduced newly appointed Virginia Members, Senator Richard Stuart, Senator Jeremy McPike, Delegate Alex Askew, and Secretary Travis Voyles.

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 January 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 January Meeting. Ms. Killius provided updates as follows:

- **BEYOND 2025 STEERING COMMITTEE**

Ms. Killius noted that during the January meeting, in response to her update on the Beyond 2025 Steering Committee's work, Commission members had requested a flow chart to help visualize their process moving forward. She stated that the requested flow chart is included in the presentation for our Beyond 2025 discussion later this afternoon, when she will walk the members through it together.

- **THE ATLANTIC STATES MARINE FISHERIES COMMISSION'S STRIPED BASS DELIBERATIONS**

At our January meeting in Annapolis, we heard an update on the status and management of the striped bass population along the Atlantic Coast from Maryland's Fisheries Director, Lynn Fegley. Director Fegley noted that the Atlantic States Marine Fisheries Commission (ASMFC), the joint State/Federal body that manages the population, would be meeting in January to address concerning trends in spawning stock biomass and recruitment. As a follow up to that presentation, staff committed to providing an update when the ASMFC made its final decisions, which was done by email on January 31st. To recap that email: ASMFC ultimately decided to approve a slot limit of one fish from 19 to 24 inches for all anglers. Maryland favored an option

that would allow a two-fish limit on for-hire vessels. The Board also voted to reduce the commercial striped bass quota by 7%. This was a compromise reached after a 14% reduction was proposed as a number equal to the estimated reduction to the recreational fishery.

In March 2024, the ASMFC approved state implementation plans employing the new limits with a few exceptions: Pennsylvania's timeline for implementing its new spring slot limit; and Maryland and the Potomac River Fisheries Commission's (PRFC) timeline for paying back any potential 2024 commercial quota overage. ASMFC is meeting this week and considering approval of the revised plans submitted by Pennsylvania, Maryland, and PRFC. Entities are required to implement the new measures by May 1, 2024. Continued discussions on the difficulty of addressing striped bass recreational release mortality is also expected as a part of this meeting.

BEYOND 2025

Anna Killius, Executive Director of the Commission, provided the members with an update on the work of the Beyond 2025 Steering Committee, of which she is co-chair. She started with a review of the existing structure of the Chesapeake Bay Program Partnership, the agreements leading up to the 2014 Watershed Agreement and an overview of the goals and outcomes targeted in the 2014 document. She reviewed the Partnership's success and challenges in achieving these outcomes and the details of the 2022 charge from the Bay Program's Executive Council seeking recommendations on a course of action beyond 2025. The Steering Committee, several smaller sub-groups, and a private consultant have been busy defining where we are, what we do and how we work, and ultimately where we want to be. Ms. Killius presented a timeline for these efforts, and some of the initial findings from the small groups and the consultant. The goal by the 2025 EC meeting is to have high-level updates to the current Agreement, focusing on the vision, preamble, principles, goals, and management strategies sections, while reaffirming commitment to the partnership and collaboration. Then in 2026, a more detailed reaffirmation, refinement and refresh of the outcomes would be done.

CHESAPEAKE BAY TMDL INDICATOR

Gary Shenk, Hydrologist, U.S. Geological Survey, presented to the Commission members on the Chesapeake Bay Total Maximum Daily Load (TMDL) Indicator. He started with a review of the TMDL, and the systems used to track water quality within the watershed and the Bay Partnership's progress. He then walked the members through the Chesapeake Bay TMDL Indicator, which combines monitored and modeled data to estimate the progress of annual pollution loading rate reductions since 1995 in response to implemented management practices. He then provided examples from specific small watersheds comparing the results of on-the-ground monitoring, to the projected modeled outcomes. The tool facilitates conversations comparing modeled and monitored outcomes and helps define the "response gap," a noted concern in the recently released assessment of progress by the Bay Program's Scientific and Technical Advisory Committee.

MARYLAND DNR STREAM EXPERIENCE AT ROCKY GAP STATE PARK

After a short drive, Members reconvened on a tributary of Lake Habeeb at Rocky Gap Run. Scott Stranko, Monitoring and Nontidal Assessment Division, MD DNR and Rocky Gap State Park Manager Sarah Milbourne hosted the members and provided hands-on demonstrations of stream monitoring as conducted by the Maryland Biological Stream Survey.

FRIDAY, MAY 3, 2024

WELCOME & ROLL CALL

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

- **FEDERAL BUDGET PRIORITIES**

Ms. Killius noted that each year the Commission works with Bay partners to craft a request detailing the federal funding required to continue our progress toward a restored Chesapeake Bay watershed. With the Fiscal Year 2024 process extending into March, the Commission needed to be prepared to distribute its Fiscal Year 2025 request immediately after the FY 24 consolidated appropriations bills were passed. As soon as Members of Congress returned from their Spring recess, we delivered our FY 25 document, in time for a very truncated Congressional appropriations season. A copy of that document was shared with Commission Members in the advanced email for this meeting.

Two of the Commission's top budget priorities are consistent with last year: the fully authorized amount for EPA's Chesapeake Bay Geographic Program and for the US Fish and Wildlife Service's Chesapeake Watershed Investments for Landscape Defense or WILD grant program. New for 2025 is a request for \$5 million to support grants through USDA's Meat and Poultry Expansion Program with the goal of defraying the cost of invasive blue catfish processing infrastructure in Maryland and Virginia. This funding would follow on the \$3 million for processing grants that we successfully secured in FY 24, as well as \$500,000 for Invasive Catfish Control through USDA's Animal and Plant Health Inspection Service (or APHIS), \$1 million for USDA's Food Safety and Inspection Service to offset the costs of inspector's overtime pay, and language allowing USDA's Agricultural Marketing Service to purchase wild-caught catfish for school lunch and other food assistance programs.

The Commission's final priority is \$30 million for a new Department of Defense program we are proposing to support stormwater management and climate resilience projects on military installations. This budget request would need to be paired with language in the 2025 National Defense Authorization Act, which brings me to our Legislative Priorities.

- **FEDERAL LEGISLATIVE PRIORITIES**

Ms. Killius noted that the Commission is advocating for language in the 2025 NDAA to create a Military Installation Resilience Project Acceleration Program. This program would be modeled off the very successful Readiness and Environmental Protection Integration program which prevents encroachment on critical DoD facilities by supporting efforts to place nearby land in conservation. Our proposed new program would focus on the significant stormwater management needs of military installations, which must often compete with other mission-critical needs for limited resources. The DoD occupies 400,000 acres within the Bay watershed

and has been an important partner in the effort to restore the Chesapeake Bay. A new program would hopefully support places like Naval Station Norfolk or Aberdeen Proving Ground in meeting their stormwater permit requirements and maintaining their best management practices. We are fortunate to have many members of the Chesapeake Bay's Congressional Delegation on the Armed Services Committees, and the Commission is closely coordinating with them on this legislative priority.

She also noted we remain vigilant for any news on the 2023, now 2024, Farm Bill. Ag Committee Chairs G.T. Thompson and Debbie Stabenow both released title-by-title summaries of their bills this week. The Nutrition title remains a sticking point between the two approaches, but there are likely differences in how both treat the Inflation Reduction Act dollars allocated for climate-smart conservation. Both bills purport to move at least some of this money into the Farm Bill's conservation title, which could make the money available for longer and boost the conservation baseline. But there are differences in how closely these funds are connected to climate-related practices in the future. Chair Thompson has indicated he plans to have a bill for mark-up in mid-to-late May, but there is no word on a timeline for action beyond that.

Protecting funding for and enhancing the Farm Bill's conservation programs remains a top priority for the Commission, as these programs support farmers throughout the Chesapeake Bay watershed with installing best management practices to protect their local streams and the Bay. We are also working with Committee staff on ways to encourage USDA to use its higher education grant programs to support workforce development efforts, particularly at community colleges and two-year certificate programs, to get more technical assistance providers trained and, in the field, helping farmers and getting conservation practices installed. As the Farm Bill discussions continue to develop, the Commission will continue to look for every avenue to highlight these priorities.

Her final legislative update was on the reauthorization of EPA's Chesapeake Bay Program. The Chesapeake Bay Program provides the core or spine of the federal-state partnership to restore the watershed. Most of the funding provided through the Program supports grants to state and local governments, and NGOs, for project implementation to achieve improvements to water quality and the enhancement of habitat for living resources. Funds are also used to coordinate the science and monitoring efforts that drive decision-making. The Senate Environmental and Public Works Committee is working on reauthorizing many of the country's premier conservation programs through reauthorization of the America's Conservation Enhancement (or ACE) Act. The bill includes a 5-year extension of the Chesapeake Bay Program at an authorized level of \$100 million per year through 2030. The Chesapeake WILD program is also extended through 2030. The Commission will be closely following the Senate's plans for the ACE reauthorization and working with members of the Bay's Congressional delegation to get complementary reauthorizations introduced in the House.

- **EPA-USDA AGRICULTURE CREDITING TASK FORCE**

The Federal Crediting Task Force that has been meeting to look at ways to more fully credit farmers' conservation efforts presented a set of potential solutions to the PSC in March. These solutions include:

- conservation data sharing agreements between the USDA and states

- partnership with USGS to aggregate USDA and state data
- a watershed-wide conservation survey every 3-5 years
- farm inventories by trusted agriculture professionals, and
- the use of emerging technologies like remote sensing for management practices.

Rather than a one-size-fits-all recommendation, the solutions are effectively a menu of options depending on available resources and individual state circumstances. Individual states will be taking the lead on their preferred option to vet it through the Bay Program. An Action Plan is being finalized and will be shared with the PSC and Management Board.

ADMINISTRATIVE ACTIONS

The Commission unanimously approved the 2025 Meeting Dates. The Commission unanimously approved the Fiscal Year 2025 Budget.

DELEGATION CHAIR REPORTS

Each delegation reported on the results of their ongoing or recently concluded legislative sessions.

- **Virginia**

Chair Bulova shared that the Virginia General Assembly had not yet formally adopted a budget and was expected to return to Richmond in the coming weeks to do so. He then asked the legislative members to highlight their key piece of Bay-related legislation from the 2024 session. Senator Stuart highlighted his legislation creating a blue catfish marketing working group (SB 402) for stakeholders to determine how to best support the growth of the industry in Virginia. Senator McPike highlighted his PFAS legislation (SB 243) requiring the Department of Health to notify the Department of Environmental Quality of all validated monitoring results that indicate PFAS maximum contaminant level exceedances. In such circumstances, the bill provides that the Department of Environmental Quality is required to develop and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. Delegate Askew highlighted his Fisheries Innovation for Sustainable Harvest Fund (HB 596) established to support and promote the economic growth and development of Virginia's seafood economy. All royalties collected from the generation or transmission of electrical or compressed air energy from offshore renewable sources, including wave or tidal action, currents, offshore winds, and thermal or salinity gradients, shall be paid into the state treasury and appropriated to the Fund. Finally, Delegate Bulova highlighted his biosolids bill (HB 870) which requires the Department of Environmental Quality to update their regulations for biosolids storage to accommodate additional on-site and alternative storage site requirements for the purpose of protecting against the release of sewage sludge into state waters and as a result of increased intensity, frequency, and duration of storm events.

- **Maryland**

Maryland members shared highlights from the 2024 legislative session. Delegate Ivey reviewed HB 449, which he sponsored, that provides funding for comprehensive flood management programs in underserved and overburdened communities. Secretary Kurtz described two departmental priorities, HB 235 (Pay-For-Success Contracting) and HB 235 (updates to the Chesapeake and Atlantic Coastal Bays program). Delegate Stein reviewed two Commission priorities, the Whole Watershed Act (HB 1165/SB 969) and a technical fix to the Clean Water

Commerce Act (HB 1266/SB 1144). He also mentioned HB 1152/SB 956 that helps address pollution from PFAS-containing chemicals. Finally, Senator Guzzone reviewed budgetary items, and noted that despite the challenging year, programs to assist Chesapeake Bay restoration were well-funded.

- **Pennsylvania**

Senator Yaw noted that Pennsylvania is in the second year of its two-year legislative session. By June, the General Assembly will be in the thick of budget negotiations. Continued funding for the Clean Streams Fund, including the new Agricultural Conservation Assistance Program, remains a priority. The Delegation is working to shepherd a ban on PFAS in firefighting foam to final passage. Rep. Carol Hill-Evans reported on legislation that has passed the House to ban high-PAH driveway sealants. Rep. Sturla provided an update on his conversations with local partners on a potential pilot project to establish a public trail that could include stream buffers and fishing access along a riparian corridor in a rural area.

ADVANCING ENVIRONMENTAL LITERACY

Shannon Sprague, Acting Deputy Director, NOAA Chesapeake Bay Office, and Christopher Kopco STEM & Environmental Literacy Coordinator Washington County Public Schools, provided a status report on environmental education and Meaningful Watershed Education Experiences across the Commission's member states, including state-specific recommendations for improvements.

OUTDOOR RECREATION

Sandi Olek, Director, Maryland Office of Outdoor Recreation, Ashli Workman, Director of Tourism, Allegany County, MD, and Mandela Echefu, Owner, Wheelzup Adventures, presented on the economic and social impact of outdoor recreation and the role of state tourism bureaus and offices of outdoor recreation.

COMMISSION DISCUSSION

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

INTERIM ACTIONS

Chair Bulova asked Executive Director Killius to share any interim actions identified by Commission members during the meeting. She responded that members have asked for a reprise of the 2019 comparison by Chesapeake Legal Alliance of the member states' legislative processes. Also, plans are under development to create a future internship opportunity at the Commission.

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 12:26 pm.