

**CHESAPEAKE BAY COMMISSION  
SEPTEMBER 2019 MEETING MINUTES**

The Chesapeake Bay Commission held its third quarterly meeting of 2019 on Thursday and Friday, September 12-13 in Gettysburg, PA.

Commission members in attendance:

- Delegate Robert Bloxom
- Delegate David Bulova
- Senator John Cosgrove
- Senator Sarah Elfreth
- PA Citizen Member, Warren Elliott
- Representative Garth Everett
- Delegate Tawanna Gaines
- Representative Keith Gillespie
- Secretary Haddaway-Riccio
- Senator Emmett Hanger
- Senator Scott Martin
- Secretary Patrick McDonnell
- Senator Thomas “Mac” Middleton
- RDML Charles Rock
- Delegate Dana Stein
- Secretary Matt Strickler (Represented by Ann Jennings)
- Representative Michael Sturla
- Delegate Tony Wilt
- Senator Gene Yaw

Members not in attendance:

- VA Citizen Member, Dennis Treacy
- Senator Guy Guzzone

Staff:

- MD - David Goshorn
- PA – Veronica (Nicki) Kasi
- VA - Ann Jennings

CBC Staff:

- Ann Swanson
- Jen Dieux
- Mark Hoffman
- Marel King
- Adrienne Kotula

**THURSDAY, SEPTEMBER 12, 2019**

**CALL TO ORDER**

Chair Tawanna Gaines called the meeting to order at 1:18 pm and welcomed the Commission members to Gettysburg, PA.

Tim Shields, the Founder of the Gettysburg Nature Alliance, welcomed the members to Gettysburg and thanked them for their legislative efforts to address watershed restoration.

Executive Director Swanson called the roll and a quorum was established. By unanimous consent, the Commission approved the minutes from the May meeting and the agenda for the September meeting without change. They then unanimously adopted the proposed 2020 meeting dates and locations.

Chair Gaines then recognized Virginia Senator Cosgrove. Although an addition to the current Commission membership, the Senator had previously served as a Commission member when he was in the Virginia House of Delegates. Senator Cosgrove thanked Chair Gaines, and said it was good to be back on the Commission.

**A COMPARISON OF STATE LEGISLATIVE PROCESSES**

Chair Gaines then introduced Molly Brown, Senior Attorney and Director of Community Legal Education at the Chesapeake Legal Alliance (CLA) to present on her work comparing the legislative process among the three member jurisdictions.

Ms. Brown started with some background on the CLA. The organization's goal is to effect systematic and permanent improvement in Chesapeake Bay Watershed health through improved compliance and enforcement of existing laws, and the development of more effective laws, regulations and guidelines. As an organization, they advocate for and empower communities with innovative legal tools and resources to ultimately protect water quality and ensure a healthy future. They are a non-profit organization and have three core focus areas: 1) pro-bono legal services; 2) legal innovation; and 3) community legal education.

Ms. Brown went through her power-point presentation, which summarized the political landscape of each state, including information on size, population, governmental structure and the legislature. One fact of interest was the disparate number of municipal governments in each state: Maryland has 157, Virginia 76 and Pennsylvania 2,560, the later including many boroughs and townships. The Commissioners discussed the challenges of watershed restoration considering the large number of local governments in Pennsylvania. It was also noted that about one-half of the land area of Pennsylvania is within the watershed, but only one-third of the population, and the two major population centers (Philadelphia and Pittsburgh) are outside the Bay watershed.

Ms. Brown presented information on the differences in the number of members in each legislature, and how many citizens each member effectively represents. Both Maryland and Virginia have legislative sessions of 90 day or less, while in Pennsylvania a session runs for two years, but the chambers are not meeting all of that time. The Commission members also discussed the relative role of their party caucuses in the legislative process. The percentage of introduced bills that pass also varies considerably, ranging from 33% in Virginia, 28% in Maryland, to 6% in Pennsylvania. Virginia limits the number of bills a member can introduce. Commission members also discussed the relative roles of committees versus subcommittees in advancing legislation. The members also discussed the process for the selection of members of the judicial branch, and asked Ms. Brown to return to the Commission for a report on that, and the budget process in each state. Chair Gaines thanked Ms. Brown and the CLA for their efforts.

### **AGRICULTURAL IMPLEMENTATION: PARTNERS PROSPECTIVE**

Chair Gaines then introduced Senator Middleton as facilitator for the next session on agricultural implementation. He noted that, as a farmer, he was honored to have that role.

The first presenter was Matt Ehrhart, Director of Watershed Restoration for the Stroud Water Research Center in Pennsylvania. Mr. Ehrhart is also the Chair of the Chesapeake Bay Program's Citizen Advisory Committee.

Mr. Ehrhart thanked the Commission for their work on the Farm Bill. He noted the interest of landowners in conservation practices, but at the same time there are questions and concerns, such as how practices will affect production. He noted that peer-to-peer contact was much more effective, but harder to facilitate. He said we need to learn to leverage our collective investments better.

Next was Darryl Glover, Director of the Division of Soil and Water Conservation, for the Virginia Department of Conservation and Recreation. He highlighted the targeted implementation approach being taken by Virginia and the ten areas that are the focus. He also discussed the practices that Virginia is prioritizing and the success of Virginia's livestock stream exclusion program, and the resources that the Commonwealth has put into this effort.

Dave Graybill, from Red Sunset Farm in Mifflintown, PA, then spoke. He noted the challenges to dairy farmers, such as himself, and the importance of educating more farmers about soil health.

The final presenter was Jeff Horstman, Executive Director of ShoreRivers, based in Easton, MD. He noted that the implementation of the Phase III WIPs will be very challenging giving the technical (particularly engineering) capacity available to the watershed's farmers. He noted the need for more streamlined implementation, and the importance of having projects with agronomic benefits.

A question was asked about how best to communicate with the farm community. Mr. Graybill noted it must be done on the farmer's time frame, the best method is peer-to-peer, and they can see what someone else is doing and working.

A question was also asked about the challenges to meet the Phase III WIPs. Mr. Horstman noted that most of the reduction would need to come from the ag sector, but it is not clear if we have enough technical assistance capacity to see this through.

The Commission members and presenters also discussed other concerns central to agricultural implementation, such as workforce development, technical assistance capacity, funding and communication.

To wrap the session up, Senator Middleton asked each presenter to identify a number one priority for what could be done to improve agricultural implementation. Mr. Ehrhart noted the lack of technical assistance resources. Mr. Glover echoed that comment. Mr. Graybill suggested increasing the focus on the feeder streams to the Bay, and work to quantify their value to drive local implementation. Mr. Horstman noted the need for a multi-state approach to manure management, and the opportunities with roadside ditch-management, as having unrealized potential.

Senator Middleton, Chair Gaines, and the other Commissioners thanked the panelists for their presentations and discussion.

#### **ADJOURNMENT**

The Commission Members adjourned for the day at 4:30 p.m.

### **FRIDAY, SEPTEMBER 13, 2019**

#### **CALL TO ORDER**

Chair Gaines called the meeting to order at 8:30 a.m. She asked Executive Director Swanson to call the roll. With a quorum present, the Commission moved on to the substance of the morning.

Tom Forsyth, Deputy Superintendent of Gettysburg National Military Park welcomed the Commission and guests to their facility.

#### **CHAIRMAN'S LIGHTENING ROUND UPDATES**

##### **September 5 Executive Council Meeting**

Chair Gaines represented the Commission at the EC meeting, she noted that everything went fine in her view, and they discussed how the Commission works together as a model for interstate cooperation.

Executive Director Swanson noted that Governor Hogan was reelected as EC chair for another year. During the private lunch, they discussed the Phase III WIPs, the Conowingo WIP and federal funding. She noted that it was clear that each jurisdiction had a heavy lift to implement the Phase III WIPs, and there was not finger-pointing. EPA said it would take about two months to review the WIPs. On federal funding, Governor Hogan threw the ball to the Commission, and we offered what was happening at the federal level and what action was appropriate now. She also reviewed the content of the public meeting, and the two invited speakers who spoke on the importance of riparian forest buffers and urban engagement.

### **Federal Updates**

Executive Director Swanson presented a summary of the Commission's on-going work in Washington to influence federal policy and budgets. She noted the increased funding in the House budget for bay-related programs, including the EPA Bay Program going from \$73 to \$85 million. Also, specific language has been included related to oysters. Increased funding was also allocated for USGS and NPS Bay programs. The budget is now in the hands of the Senate, so we will continue to watch and advocate. She thanked the Commission members, particularly Senator Yaw, for engaging their federal counterparts on this important work.

### **Open Meeting Protocol**

Executive Director Swanson reviewed the development and need for the formal open meeting protocol. Senators Yaw and Cosgrove suggested we incorporate formal opportunities for public comment in future meetings, first at the review of the agenda, and second at the very end of the meeting. The Open Meeting Protocol was unanimously adopted, and the recommendations were as well.

### **Marking Milestones Land Conservation Report**

Executive Director Swanson noted that each Commission member had a copy of a new report by the Chesapeake Conservation Partnership (of which the CBC is a member), entitled "Marking Milestones: Progress in Conserving Land in the Chesapeake Bay Watershed". The report summarizes both the success, and challenges, of land conservation in the watershed.

### **DOD Chesapeake Bay Conference**

Admiral Rock then spoke about the recent DOD facility commanders meeting, at which Executive Director Swanson was the keynote speaker. He thanked Ann for really creating some excitement for the participants, which included each facility's environmental staff. He noted the direct linkage between DOD's military mission and environmental protection. Admiral Rock said he had three take-aways from the meeting: the lack of resources, the need to do a better job leveraging opportunities, and the need for increased transparency. He also thanked Sarah Diebel, as the brain-child of the meeting, as it was their first gathering in 10 years.

### **NRCS: THE BACKBONE OF AGRICULTURAL CONSERVATION**

Chair Gaines then introduced Matthew Lohr, Chief, USDA Natural Resources Conservation Service. Chief Lohr was well-known to the Virginia members of the Commission, as a former Delegate from the same district as current member, Delegate Wilt, and as the former Commissioner of Agriculture and Consumer Services for Virginia.

Chief Lohr presented information on his farm background and highlighted his three priorities: 1) to implement and deliver the 2018 Farm Bill to our nation's farmers, ranchers and private forest owners; 2) to streamline NRCS processes and program delivery to best serve their customers; and 3) to better understand their customer needs and improve overall customer satisfaction.

He then reviewed the 2018-2020 NRCS Chesapeake Bay Action Plan, highlighting both recent achievements, and the work yet to be done. He also reviewed the core programs of the 2018 Farm Bill, and how these programs related to the work needed in the Bay watershed.

A question and answer session with the Commission members then ensued, covering topics such as participation in the USDA's Section 1619 program to facilitate BMP verification.

## **COMMISSION BUSINESS AND DISCUSSION**

The Commissioners then began a discussion considering the prior presentations on agricultural implementation, and on how best to sustain the regional partnership.

Representative Sturla noted the importance of livestock stream exclusion, and the need to implement the most effective BMPs. Secretary McDonald also noted the importance of geography in determining effectiveness. Commission members requested a future presentation on "effective basins" within the watershed. Representative Sturla noted that funding needs to be 100% for success.

Senate Martin noted the need for a state-wide clean water initiative. Senator Yaw described SB 575, to provide grants for pollution reductions and his discussion with the Pennsylvania Department of Agriculture on the fertilizer bill.

Secretary Haddaway-Riccio described the market-based solutions Maryland is working on, and their pay-for-performance approach.

## **ADJOURNMENT**

There being no further business, a motion was made to adjourn and unanimously agreed to at 11:00 a.m.