

Wetland Workgroup February Meeting Minutes

February 15, 2022

Pam Mason (VIMS)	Megan Ossmann (CRC)	Vanessa Van Note (EPA)	Carin Bisland (EPA CBPO)
Amy Jacobs (TNC)	Christine Mazzarella (EPA)	Jennifer Pauer (WV DEP)	Kevin Du Bois (DoD CBP)
Bill Jenkins (EPA)	Karinna Nunez (VIMS)	Amanda Poskaitis (NWF)	Jeremy Hanson (CRC)
John Levitsky (LUZCD)	Chris Spaur (USACE)	Mark Biddle (DE DNREC)	Gina Hunt (MDNR)
Michelle Campbell (DOEE)	Melissa Yearick (USC)	Chris Guy (USFWS)	Kayla Clauson (DE DNREC)
Danielle Algazi (EPA)	Rich Mason (FWS)	Jessica Rodriguez (DoD CBP)	Megan Fitzgerald (EPA)
Jake McPherson (DU)	Denise Clearwater (MDE)	Sarah Hilderbrand (MD DNR)	Andy Lacatell (TNC)
Alison Rogerson (DE DNRC)	Rachel Peabody (VMRC)	Su Fanok (TNC)	Chase Colmorgen (DU)
Jon Niles (TNC)			

Action Items:

- Vanessa will send Megan the updated documents regarding BMP verification, and Megan, Pam, and Vanessa will meet to determine next steps (likely convening another small group).
- Megan will invite Rachael to join in on the conversations we are having with Olivia Devereux about updating the tracking systems.
- Reach out to Pam and Megan with ideas for future meeting topics.

Accelerating Wetland Restoration in PA, Delmarva, and VA

Amy Jacobs (TNC) and Chase Colmorgen (DU)

[Amy's slides](#)

[Chase's slides](#)

Questions/comments:

- Rachael P: Are these only non-tidal wetlands, or both tidal and non-tidal?

- Rich M: Do we know the breakdown of the loss of tidal and nontidal?
 - Amy J: The 50% does include tidal and nontidal but I don't have a good statistic on the breakdown of that. I think the majority from when the project was done (pre-colonization to 70s, 80s timeframe) was nontidal. In more recent years we might have seen some additional nontidal loss. We need a better updated status and trends for tidal areas.
- Chris S: Loss of tidal of course largely not anthropogenic fill or ditching – instead conversion to open water accompanying accelerating SLR
 - Kevin D: In the city of Norfolk, VA the evidence shows that losses of tidal wetlands were largely due to historic filling for development and dredging to provide deep water navigation
 - Chris S: Concur for urban areas. I don't think true at scale of Chesapeake Bay. Tiner's work even from 1980s found this.
- Amy J: Map –
<https://tnc.maps.arcgis.com/apps/webappviewer/index.html?id=0c7944669f9241adaf10fe91aaf5663d>
- Alison R: Who is the audience for the presentation on 2/23?
 - Amy J: The Ag and Forestry workgroup under Delmarva Conservation and Restoration Network
- Jake M: What do you think the opportunity is to use the mapping tool in other geographies that TNC is focusing on?
 - Amy J: My perspective on targeting is that it must come from the ground up of the partners that are going to be implementing vs. a one size fits all. I think there are some elements that can be used but I think it needs to be informed by the local geography.
 - Andy L: We're going to try to pull elements out of this analysis out and use it. We're going to start simply with our mapping and if we find challenges or missing info we can be more specific and strategic. What we have right now will be sufficient for identifying at least 100 landowners to start with.
 - Pam M: Some of the information and data that you mentioned in the viewer, like all the ditches being mapped, is not necessarily something that you're going to be able to easily get to without creating a new data set. I agree that this is a cool way of targeting and looking for where you can get multiple partners and funding streams to work together.
- Carin B: If there were certain barriers other than money and landowners that could be worked on, what would you say those barriers were?
 - Amy J: Capacity was a barrier that has been addressed by partners taking on different roles in design. The barrier for funding was non-federal match, and for projects with multiple landowners we had to offer alternatives to government programs that met their needs.

Extension of Wetland BMP(s) Credit Duration

Vanessa Van Note (EPA)

[Wetland Credit Duration Recommendation Report](#)

[Comments on the Recommendation to Extend Credit Duration of Wetland Practices](#)

Questions/comments:

- Pam M: The last question is the whole point – we shouldn't need to tell them about our wetlands permitting programs because the folks that represent state entities should know what their own permitting programs are.
- Vanessa V: At the verification ad hoc team, there's a representation from each source sector, which all have different verification requirements that might be more stringent than others. This recommendation must get approved at the Water Quality GIT level (each signatory member and at-large members).
- Pam M: I think there's a lack of understanding about wetland permitting from the people making these decisions. There is clearly a disconnect.
- Denise C: From a regulatory standpoint, there might be a compliance follow-up to see something that was built according to the permit, sometimes some additional monitoring. But it's not the periodic verification to see that something still qualifies for a BMP – mostly likely after 5 years or so the regulatory end of it is done.
 - Pam M: That is true of a regulatory wetland, but these are volunteer practices. They want to know why there shouldn't be the same verification process. Our argument is because once you create a wetland, it becomes waters of the state, or waters of the U.S., or in other words it becomes a regulated feature. To impact it in the future you would have to have permit, so therefore it is protected.
 - Jake M: NRCS is paying to have a wetland restored for a duration of 10 to 15 years, depending on the agreement. WRE includes an easement (30 years or perpetual). It is rare for landowners to convert restored wetlands back to ag land by breaking the agreement or after the agreement expires.
 - Pam M: It may be that part of what we proposed in these recommendations isn't exactly reflecting funding entities, because they're not participating in the conversation. So, to fix this, we need to get them involved in the conversation.
- Chris G: There is a part to this around functional shifts in wetlands, where an emergent wetland can become forested, leading to a decrease in function but not a loss of wetlands.
- Pam M: There are still plenty of voluntary wetland restoration projects not on ag land that are not at risk of being walked back, so this conversation is only one piece of the wetland restoration puzzle.
- Jake M: I think what you are proposing is reasonable. If the decision is made that there needs to be a verification process, what was the timeline on that?
- Chris G: There is no incentive within the NRCS, FWS, NOAA, EPA, etc. programs to do these inspections, so the BMPs by themselves are for water quality, which is the problem we've had

for counting the progress made towards the wetlands goal. The new tracking effort is not going to have wetlands “fall off” because they weren’t inspected.

- Vanessa V: We need to get the recommendation in a form that people who are more removed from wetlands (i.e., Water Quality GIT) can understand.
- **Action: Vanessa will send Megan the updated documents, and Megan and Pam will meet to determine next steps, like convening another small group to address the comments and issues.**

Meeting Wetland Enhancement Goals

Denise Clearwater (MDE)

[Presentation slides](#)

[Jamboard Responses](#)

Questions/comments:

- Chris G: Denise’s presentation focused on BMP credits – I would encourage people to add practices that they think should qualify as a BMP but do not.
 - Pam M: I propose we edit our question to say, “What activities do you think are enhancement?”
- Pam M: A lot of these suggestions seem to track along with some of the major ideas that they’re tracking in Maryland so that’s good.
- Pam M: Part of the point of enhancement is what are they trying to achieve?
- Chris G: I feel that the Bay Program put this enhancement goal out there and never really defined it, so the states defined it for themselves. I think coming up with a definition is a great function of the WWG to maybe take this on, perhaps as a GIT funding project.
- Jake M: I noticed in Denise’s presentation that it said that an enhancement is not counted if it represents the reduction of some other value – almost every enhancement activity results in some reduction (i.e., invasive species removal can be a reduction in sediment retention capabilities). So, do any of these activities count? What is the intent of the credit that the Bay Program is trying to achieve?
 - Pam M: That’s the point of this conversation – it isn’t really defined, and it really would be almost impossible to do one thing without it affecting something else. But the concept generally would be that if you have a wetland that’s stressed or degraded, enhancement would be undoing or addressing the stressors or degradation.
- Carin B: In 1999, the Executive Council adopted a definition of enhancement – it means “the significant and long-term sustainable improvement of the functions of a wetland, for example restoring natural hydrology in an existing hydrologically disturbed wetland, phragmites eradication, or fencing to exclude livestock.”
 - Denise C: What has happened since then is that the federal agencies came out with definitions of establishment, reestablishment, rehabilitation, and enhancement and that is what the Bay Program uses now.
- Christine M: If you want a regulatory definition – 2008 mitigation rule: enhancement means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to

heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

- Pam M: I appreciate the fact that these responses fall into major categories: changing hydraulic energy, plugging ditches, removing culverts, habitat and species controls, invasive species management, vegetative controls, etc.
- Pam M: Are there any efforts to be tracking wetland enhancement now and are any of these activities being captured by your jurisdictions?
 - Rachael P: From a VA tidal wetlands perspective, the only thing we do track is something that would require a permit.
 - John L: In PA, riparian vegetation planting is captured, but there's no permits involved in doing vegetation enhancement or improvements, so when I work with state wildlife management agencies to enhance black duck habitat or other duck habitat, it doesn't really get captured.
 - John L: There's an additional project where I'm working on restoring water willow (*Justicia americana*), but no one has a tracking mechanism to include it as a riverine wetland enhancement. There's no model for it so no one is encouraging it or funding it. I'm working with a local university to try to model nitrogen, phosphorus, and sediment loads.
 - Chris G: I don't believe any state partners are putting in enhancement as BMPs right now because the current data system rejects it. I do think we can capture this in the work with the Bay Barometer, as well as the improvements to create a new tracking system. We are actively working on it and will likely be able to report out on progress next year.
 - Denise C: What is the start date for the 150,000 acres?
 - Pam M: When we committed to it – 2014.
 - Rachael P: VA has the living shoreline consortium, and we recently had a conversation about the lack of reporting in general. As a consortium we want to see if there is a better way to at least report tidal wetlands in VA – this could be a future discussion for this group.
 - **Action: Invite Rachael to join in on the conversations we are having with Olivia Devereux about updating the tracking systems.**

Announcements and Updates

- Chris provided an update on the planning process for the Wetlands Outcome Accountability Workshops that will be scheduled for this summer, likely in August.
 - Rachael P: I've been trying to figure out VMRC's role in supporting restoration of tidal wetlands and how I can help apply for grants, etc., so this is helpful in figuring out how to help the administration get involved in this effort.
- Next meeting date: April 19th 2-4 pm