

**CAC Members Present:** Xavier Brown, John Dawes, Andrew Der, Matt Ehrhart, Bill Fink, Brenna Goggin, Donna Harris-Aikens, Verna Harrison, Chuck Herrick (Vice-Chair), Ann Jurczyk, Julie Patton Lawson (Chair), David Lillard, Mike Lovegreen, Abel Olivo, Kate Patton, Tim Rupli, Daphne Pee, BeKura Shabazz, Charlie Stek, Dana Wiggins, and CAC Staff Jess Blackburn and Alexa Maione

**Speakers/Guests Present:** Karl Blankenship, Dave Campbell, Brian Chalfant, Nicole Christ, Peter Claggett, Denise Coleman, Rachel Felver, Karen Firehock, Kate Fritz, Grant Gulibon, Amy Handen, Jett Kelly, Anna Killius, Marel King, Josh Longmore, Julie Mawhorter, Erin Penzelik, Maddie Ramper, Jennifer Reed, Kristin Saunders, Martha Shimkin, Britt Slattery, Jennifer Starr, Kathy Stecker, Jill Whitcomb, Kristen Wolf

**Meeting presentations and materials are located at:**

[Citizens Advisory Committee Quarterly Meeting \(May 2023\) | Chesapeake Bay Program](#)

**Wednesday, May 24, 2023**

The CAC Chair, Julie Patton Lawson, called the meeting to order at 1:15 PM.

**Pennsylvania's Progress on Chesapeake Watershed Agreement- (presentation link)**

*Jill Whitcomb, Director, Bureau of Watershed Restoration and Nonpoint Source Management, PA DEP*

Jill updated the CAC on the water quality trends of the Potomac and Susquehanna, two major PA watersheds. The Potomac is improving in nitrogen reduction with no change in phosphorus and sediment. The Susquehanna is improving in nitrogen, phosphorus, and sediment reduction.

She shared how PA is working together to succeed. 34 Pennsylvania counties have Countywide Action Plans (CAP) with CAP coordinators that are guided by the county's local priorities. A motivational aspect of the CAPs are Rapid Stream De-Listing Strategies. This strategy is hyper local, identifying catchment areas to focus on for small watershed restoration. The Center for Agricultural Conservation Assistance Training is training tomorrow's conservation professionals. A streamlined, diverse pool of funding sources and CAP 2-year milestones with county recommendations are accelerating implementation of projects.

Discussion: Several CAC members commended Jill and the PA DEP for their excellent outreach efforts. John Dawes asked how the Rapid Stream De-Listing Strategies translates into miles. The stream segments are focused areas, about 10-15 farm parcels. John also asked how the PA DEP is increasing the salaries of conservation district employees and watershed specialists. The nutrient management and Chesapeake Bay technician's and engineer's salaries are increasing by \$10K. The watershed specialists salary is increasing by \$5k. If county affiliated, there may be a cap on the watershed specialist salary.

Verna Harrison asked Jill her thoughts on including the Choose Clean Water Coalition (CCWC) involvement in Beyond 2025 Steering Committees. Jill responded that to invite them is to invite all NGOs and the committee would then be too big to be productive. John suggested that the CCWC represent a big number of NGOs.

Matt Ehrhart asked if Jill felt confident that state and federal funding will continue. Jill responded that the only way to demonstrate the need for more dollars is to spend the money they have effectively and efficiently. CAPs are told to only apply for DEP funding for projects that can be spent in 12-18 months.

Ann Jurczyk asked if the cumulative impact of all county plans are equivalent to the state's water quality goals. Jill responded they are meeting the Nutrient, Phosphorus, and Sediment reductions.

A followup item is to review PA's data from Chesapeake Progress to view on course/off course/uncertain outlooks of Agreement outcomes.

## **Chesapeake Bay Program Updates**

*Martha Shimkin, Deputy Director, EPA Chesapeake Bay Program*

Martha acknowledged that the Bay Program hasn't responded to the advisory committees' letters. She is creating a workgroup with jurisdictional representatives to discuss possibilities for volunteer compensation. She gave an update that the Principals' Staff Committee has three concerns of the CAST model that must be addressed before the next phase of the model: (1) figure out when pollution reduction will occur for unexpected pollution loads; (2) state chemists are meeting to discuss uncertainty around fertilizer data; and (3) the Water Quality Goal Implementation Team (GIT) is figuring out what to do with data aberrations.

Martha then spoke about the framework of Reaching 2025 and Beyond 2025. A Reaching 2025 draft will be informed using the outcome attainability from [Chesapeake Progress](#) and ready by the July PSC meeting. The public comment period will begin on June 23rd. The draft will address what has been learned, what outcomes will be missed, and where there has been success. A steering committee has been formed for Beyond 2025. The members are management board members including representatives from the jurisdictions and Bay Commission, Advisory Committees, GIT chairs, and Scientific and Technical Analysis and Reporting (STAR).

Discussion: Verna Harrison asked if the Beyond 2025 Steering Committee will include the Choose Clean Water Coalition. Martha responded that no NGOs will be on the committee, adding that to invite one is to invite all, and the committee would be too large. Brenna Goggin responded to Martha that there should be at least one designated seat for an NGO to represent all NGOs. She added that the excuse for not including NGOs is the same systematic and historical reason to exclude people that the government doesn't want at the table. Brenna then added that the Bay Program creating a workgroup to study stipends is unnecessary and another excuse to not do something. She said that the Bay Program should just admit that they don't want to give stipends if they don't want to.

## **CAC Conservation & Land Use Priority**

**The Objective:** Gain collective understanding on what Bay restoration and climate goals are at risk if the current trend of tree loss continues.

**The Goal:** Identify specific focus for the second phase of discussion in September to recommend (or lift-up roundtable) state incentives to protect tree canopy, including exploring land conservation as water quality credit in the TMDL.

## **PART ONE: Multiple Benefits of Trees- (presentation link)**

*Karen Firehock, Executive Director, Green Infrastructure Center*

The Green Infrastructure Center (GIC) helps communities evaluate green assets and manage them to maximize ecology, economy, and culture. They do this by mapping land cover, modeling ecosystem benefits of trees, and creating strategic green infrastructure plans. Most urban forestry work is at the local government level.

Nationally, suburban and urban tree canopy loss is 175,000 acres/year, an economic loss of \$90 million/year. In the watershed, 25,832 net acres were lost between 2013-2018. City flooding is increasing due to more impervious land and combined with climate change, cities become hotter and have been termed "micro-climates" with extreme weather events such as "rain bombs"- high intensity, short duration storms. From 2001-2022, there were 6 times the amount of storms resulting in damages exceeding \$1 billion dollars compared to the previous two decades.

The GIC stormwater calculator uses land cover and soil data to model the most beneficial areas to create and maintain urban canopy. Karen recommended the following strategies for local governments to implement: A storm readiness plan with a tree risk assessment; a robust tree ordinance; audit tree and stormwater codes, ordinances, and practices to determine if they facilitate tree cover or more impervious area; consider if the comprehensive plan

indicates support for forest values in order to justify new legal tools or to expend resources; consider adaptive systems so trees can grow large; enact strict tree removal permits; work with developers to shrink their footprint; and link urban trees to the city's stormwater infrastructure. Karen also gave examples of counties using trees as BMPs.

Discussion: Julie Patton Lawson asked how to combat developers from skirting heritage trees? Karen responded they should have to replace trees by number and dimension, rather than by monetary means, and should be able to replace them on private property. Chuck Herrick asked if cities/municipalities put policies in place to combat redlining? Karen suggested the [Climate and Environmental Justice Screening Tool](#) made by the Whitehouse, that shows where historically redlined communities, pollution, minorities, etc., exist. She also recommended analyzing an Index of Dissimilarity, to understand unequal distribution of tree canopy. Kate Patton asked how to give credit to keep trees. Karen suggested providing a credit for retaining X amount of green space during development, and to use expedited review. If a developer meets a certain number of green standards, they will get fast tracked review. In real estate, shady lots are more valuable. Karen suggests leaning into this economic incentive.

### **Introduction of new CBP Interim Director**

*David Campbell, Executive Director, Chesapeake Bay Program Office, EPA*

Dave spent 34 years working at the EPA, mostly with regulatory programs. He's also worked at the community level on sustainability issues while partnering with government agencies. For the past four years he led Region 3's Laboratory Services and Applied Science Division, to realign laboratory procedures, GIS, quality assurance, and field operations. His leadership style is to first spend time hearing from all involved in the Bay Program. He would like to lead with science-based decision making and a consensus-building approach for the partnership.

The CAC members introduced themselves and Julie gave an overview of the committee's recent priority topics. Daphne Pee cautioned that relying only on a science-based approach follows the status quo and is often exclusive. She urged Dave to also consider a people-centric approach that will include those who have been missing from the table. This is a foundational issue that's limiting the Bay Program from reaching their goals.

### **Thursday, May 25, 2023**

#### **CAC Business Meeting**

The CAC Chair called the meeting to order at 8:30 AM. The February 2023 Meeting Minutes were approved with the following changes that provide greater clarity on the Conowingo Dam legal settlement:

*John Dawes gave a briefing on the court finding: In Dec 2022 the US Court of Appeals for the District of Columbia agreed with environmental groups that FERC exceeded its authority when it approved a 50 yr license last year without including the water quality certification that MD issued in 2018. Depending on MD's reconsideration of the settlement, up to \$700 million could be paid by Constellation Energy Generation, LLC to operate fish passage, in-stream restoration, implementation of BMPs, research on dredging, etc.. Money might be given to state, non-profit entities, and conservation districts.*

Members shared their reflections on the prior day's meeting. John Dawes questioned if the CAC should weigh in on STAC's new Comprehensive Evaluation of System Response ([CESR report](#)). There will be a summer learning session to brief the CAC members. Matt Ehrhart commended PA's collaborative approach that is accelerating their progress towards meeting their goals. Members agreed that they are spending their funding efficiently. Verna Harrison commented that the Reaching 2025 Steering Committee should have data on all state's benchmarks toward meeting their goals. Ann Jurczyk asked if staffing for Soil and Water Conservation Districts is a problem in PA because it is in VA. Matt Ehrhart, Mike Lovegreen, and John Dawes all responded that across the board there is too high a demand for engineers and the ag industry cannot compete with other higher paying engineering positions.

Julie Patton Lawson updated the CAC on the following items: The Stewardship Indicator Tool will be live in a week to survey 6,000 people. Little progress has been made regarding the Bay Program's DEIJ contractor, Resolve Conservation. On June 6th, the University of Maryland Center for Environmental Studies (UMCES) will release the [Bay Report Card](#). For the first time, this year's report will feature an Environmental Justice indicator.

## **PART TWO: Watershed Land Use and Forest Land Conversion - presentation link**

*Peter Claggett, Research Geographer, U.S. Geological Survey, Chesapeake Bay Program*

Peter demonstrated the 2017 High-resolution Land Use + Hyper-resolution Hydrography (2K) mapping data. Every square meter of the watershed is classified into 1 of 12 land cover classes and 1 of 64 land use classes. The hyper-resolution now can map ditches, gullies, and wales, and distinguish between perennial and intermittent streams. The data shows that between 2013/14 and 2017/18, 64,000 acres of natural land was cleared for development, 6,000 cleared for agriculture, and 5,000 cleared for mining. In the same period, 38,000 acres of agricultural land was converted to development. VA is experiencing the highest rate of conversion.

Discussion: John Dawes asked if forested buffers around the edge of farm fields and ditches could be a future BMP. Peter responded that treating ditches as a point source of pollution via geographic targeting would be more efficient. Verna Harrison asked how solar fields are classified. They are classified as their own use. Due to construction of solar fields, soil is compacted and may be determined to be impervious surface. Ann Jurczyk asked when the 2020/21 data set will be available. The summer of 2024. Jess Blackburn asked how this work can direct conversations around forest protection. Peter recommended small patches of forest found in urban and rural areas be preserved and prioritized as a green space for social benefit. Jess also asked what aspects of land use change is an important consideration for Beyond 2025 discussions. Peter responded that increasing local impervious surfaces reinforces the effects of climate change. He also responded that to sustain the public's support for this work, the Bay Program needs to make their efforts more visible and local. He suggested prioritizing conservation with public access. Julie Patton Lawson asked if local governments use this data. Some local governments use the mapping, however, they have expressed concern that there is no guarantee the data will continue to be available and updated.

## **PART THREE: CBP Tools, Resources and Recommendations - presentation link**

*Julie Mawhorter, Mid-Atlantic Community and Urban Forestry Coordinator, U.S. Forest Service, Chesapeake Bay Program*

The watershed wide Tree Canopy Outcome goal is to expand urban tree canopy by 2,400 net acres by 2025. The community tree canopy goal is existing canopy plus planting and growth minus losses. The most significant actions are to ensure growth (protection and maintenance) and minimize losses (mortality and removal). Tree canopy progress is tracked by annual state reported planted BMPs and long term progress using high resolution land cover/use updates.

Julie shared the following tree canopy resources found on the Chesapeake Tree Canopy Network's website, [chespeaketrees.net](https://chespeaketrees.net). County-specific Tree Canopy Status & Change fact sheets, the Local Government Guide: Capitalizing on the Benefits of Trees, and the Tree Equity Score tool that is used to show tree equity distribution found in each city.

Julie updated CAC on the GIT funded Tree Canopy Funding and Policy Roundtable. The roundtable had an audience of state and local government leaders from across the watershed. At the roundtable major drivers of tree loss were identified: development, invasive species, climate change, and inadequate maintenance and management of tree canopy. Equity strategies were also drafted.

In April of 2023 the Biden-Harris Administration announced \$1 billion in grants for urban/community forests through the Inflation Reduction Act. The US Forest Service Urban and Community Forestry Program will provide funds to state forestry agencies (\$250 million) and a national grant competition (up to \$1 billion).

Julie identified the following ideas/questions for the next Watershed Agreement: stronger incentives/credits and policy options focused on conserving, maintaining and expanding tree canopy (integrated with TMDL, MS4,

and other drivers); reconsider if 2,400 acres net gain is the right target; incorporate additional tree equity metrics into the outcome; and collaborate more effectively around related outcomes (that are separate in CBP structure).

Discussion: Julie Patton Lawson brought up the issue of a lack of native, local plant nurseries. A GIT funded project will hire a contractor for a rapid assessment of tree nurseries. David Lillard added that they need to consider creative options when it comes to nurseries and gave an example of Streamlink Education in Frederick County that leases land from private landowners to grow native trees. Jess Blackburn asked Julie to share with CAC the roundtable discussion on incentives for states to conserve tree canopy. Charlie Stek asked if the states are aggressively competing for the Inflation Reduction Act grant funding. Julie wasn't sure but did mention that a category of the funding is for re-granting and many states will be launching large sub-grant awards. David Lillard said that re-granting organizations should have an equity component. Abel Olivo asked what the review process will be like and who is reviewing? Julie responded that the intention is to have diverse reviewers that have experience in urban and equity issues. BeKura Shabazz added that small organizations should never have to compete with large organizations for the same pool of money. Daphne Pee suggested when creating a tree equity metric, involve community members and hear their concerns/priorities, instead of only putting trees where the tree indicator identifies.

#### **PART FOUR: Guided discussion with CAC Conservation and Land Use Subcommittee**

Ann Jurczyk, Conservation and Land Use Subcommittee Chair, reminded the CAC that Peter's presentation only shows land use changes up until 2018. In Virginia, 100,000 acres of land is currently permitted for utility scale solar. She asked the committee what else they need to know in order to make a strong recommendation to the Executive Council and for planning the continued discussion at the September CAC meeting.

Kate Patton asked how they could quantify how many plantings have occurred because they don't show up in high resolution land use data for 8-10 years. David Lillard asked when planted trees begin to show water quality benefits. Julie Patton Lawson asked why there isn't more solar occurring in residential areas. Ann responded that solar panels in residential/commercial areas have retail pricing while utility scale pays wholesale. She added there aren't great incentives to lower the residential/commercial cost. Abel Olivo asked if purchasing and clearing forested land is cheaper than leasing on agricultural land. He added that the increase in solar development in southwest VA will incentivize more companies to build their data and warehouse centers there, creating a potential environmental injustice.

The CAC agreed to write a letter recommending that the Bay Program continue to fund land use mapping tools particularly to inform local government decision making.

Matt Ehrhart questioned how to credit states for preserving forests if the model is based on load reductions. Keeping a forest doesn't create a net change. The committee agreed to explore this question and invite Bay Program modelers for the discussion on crediting.

#### **CAC Discussion**

Julie Patton Lawson gave a summary of the CBP Biennial Meeting held on May 11th-12th, 2023 in Charlottesville, VA. The meeting focused on reaching and beyond 2025. There is an understanding that the bay of future is not the bay of the past due to climate change, land use change, population growth, and economic development occurring throughout the watershed. Conservation as opposed to only restoration should be centered around people - including better communication as to why all 31 outcomes benefit people. A people-centric indicator should be considered for the new Agreement. Chuck Herrick added that the CESR report recommended integrating new science that will inform decision making and the structure of the Watershed Agreement.

A letter will be written in support of the Choose Clean Water Coalition joining the CBP Beyond 2025 Steering Committee to represent over 200+ environmental NGOs.

With no further business, Julie Patton Lawson, CAC Chair, adjourned the meeting at 12:30 PM.