



**Citizens Advisory Committee  
Meeting Minutes  
Dec 3-4, 2020  
Virtual Meeting (Zoom)**

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**CAC Members Present:** John Dawes, Andrew Der, Bill Dickinson, Matt Ehrhart (CAC Chair), Bill Fink, Verna Harrison, Charles Herrick, Ann Jurczyk, Anna Killius, Julie Lawson, David Lillard, Mike Lovegreen, Joe Maroon, Bill Matuszeski, Charlie Stek, and CAC Staff Jessica Blackburn and Adam Bray

**Speakers/Guests Present:** Jim Edward, Matt Strickler, Ann Jennings, Shannon Frede, Alyssa Charney, Peter Marx, Matt Rowe, Bryan Seipp, Beth McGee, Betsy Nicholas, Ann Simonetti, Andy Miller, Jennifer Starr, Kate Fritz, Rachel Felver, Amy Handen,

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

[https://www.chesapeakebay.net/what/event/citizens\\_advisory\\_committee\\_quarterly\\_meeting\\_december\\_2020](https://www.chesapeakebay.net/what/event/citizens_advisory_committee_quarterly_meeting_december_2020)

**Wednesday, Dec 3, 2020**

The CAC Chair, Matt Ehrhart, called the meeting to order at 1:00 PM. He welcomed members, gave an overview of the agenda and highlighted the meeting's goal: to learn and discuss Committee advice and action on environmental priorities for the new Administration and the draft Conowingo Watershed Implementation Plan.

**Virginia Leadership**

*Secretary Matt Strickler, Virginia Secretary of Natural Resources*

Secretary Strickler updated CAC on recent Virginia actions to advance watershed restoration, key issues of the Principal Staff Committee (PSC), and shared thoughts on Governor Northam's leadership of the Executive Council. In the finalized VA biennial budget there are no cuts to environmental agencies due to COVID and includes \$50M for wastewater treatment plant upgrades, \$50M for stormwater local assistance funding, an additional \$30M to agricultural BMPs, and \$10M for oyster restoration. Oyster restoration is funded on the capital side of the budget, which is significant because it means oysters are considered an investment in VA's natural infrastructure. By 2025, VA will be able to restore 6 oyster populations in 6 tributaries. The Secretary also highlighted regulatory actions concerning poultry litter and wastewater treatment plants, the Governor's coastal resilience master plan framework, and efforts to incorporate Diversity, Equity, Inclusion and Justice (DEIJ) principles into VA's environmental and natural resources agencies. The next PSC meeting is Dec 17<sup>th</sup> when they will discuss inclusion of climate change into action plans and WIPs for 2025. The PSC will also discuss DEIJ, the Conowingo WIP and its financing strategy. Governor Northam is hoping to have two

Executive Council (EC) meetings next year – one traditional meeting and one on the water in Virginia. He said that the Governor has a strong interest in moving action on climate change and DEIJ at the Executive Council level.

Discussion: CAC discussed the expansion of VA's tax credits for agricultural BMPs and how funding decisions for land conservation are prioritized through the [Conserve Virginia](#) data tool. CAC also discussed permit changes to VA's poultry litter reporting and the formation of VA's plastic pollution reduction advisory council. Members asked Secretary Strickler about potential changes to the EPA because of the incoming Biden Administration. Strickler hopes there is a statement from the new administration confirming that the TMDL is enforceable in order to reach the 2025 goals. CAC members discussed wanting to see more participation from other federal agencies in the Bay Program and will send a letter to the Biden Administration encouraging the reinstatement of the Special Assistant to the EPA Administrator (the "Bay Czar"), and a greater role for the Secretary of Agriculture in Bay restoration.

### **Congressional Environmental Priorities in the New Administration**

*Shannon Frede, Environmental Policy Counsel, Office of U.S. Senator Ben Cardin (MD)*

*Alyssa Charney, Environmental Issues, Office of U.S. Senator Casey (PA)*

*Peter Marx, Federal Affairs, Choose Clean Water Coalition*

Shannon, Alyssa and Peter provided CAC with their perspectives on what the recent election means for the Chesapeake watershed and the congressional delegation of Bay states. Shannon reported that the delegation will work together to fully fund the CBP and work to rebuild the capacity of the federal agencies like the EPA. She expects the Biden Administration to support the Bay Program, reverse the rollback of clean water protections and take action on climate change. She outlined challenges facing the Biden Administration including legal challenges, a divided government and the economic consequences of COVID-19. She said that Senator Cardin is likely to focus on water infrastructure needs that could be tied to larger stimulus and recovery legislation.

From an agricultural perspective, Alyssa said the key program reform opportunities include technical assistance for farmers, directing the USDA to report outcomes of conservation programs to show water quality benefits, looking at the allocation formula of conservation funds to ensure dollars get to where they are needed, and improving the implementation and delivery of the Conservation Reserve Program. Legislatively, Alyssa said that Senator Casey is looking to reintroduce the Farmer-driven Conservation Outcomes Act, proposals related to managed grazing systems and the Bay, and legislation to revitalize the Civilian Conservation Corp.

Peter updated CAC on the leadership changes of the Congressional Chesapeake Bay delegation and shared some of the Choose Clean Water Coalition's priorities. He said the Coalition will push for funding of the Chesapeake Wild Program in FY2022 and support continued funding of other Bay-related programs. They will weigh-in on the Clean Water State Revolving Fund, likely the best way to get funding for water infrastructure. They will also focus on the reauthorization

of the NOAA Chesapeake Bay Office, the Highlands Conservation Act, RECLAIM and the Farm Bill reauthorization in 2023.

Discussion: CAC members discussed Section 401 of the Clean Water Act and implications of the new administration on the Conowingo Dam relicensing and funding for the WIP. They discussed the need for a revitalized Conservation Corp and using the Corp to reforest abandoned mine lands. CAC discussed the upcoming cabinet confirmation hearings and the congressional delegation's ability to ask questions related to Bay restoration. Members raised the need for both the delegation and Bay Governors to engage the Secretary of Agriculture to expand the role of USDA in Bay restoration. CAC discussed the incorporation of water infrastructure for human services in recovery bills and including environmental justice and workforce development. CAC also discussed opportunities to improve the commodities program, tying crop insurance to conservation and supporting farmers while meeting targeted water quality objectives. The panelists encouraged CAC to share opinions on nominees, policies from the transition team, and questions to ask during confirmation hearings.

### **Business Meeting**

Bill Dickinson and Bill Matuszeski both offered edits to the minutes as submitted. The minutes will be emailed around after revision for final approval.

Matt updated the group on the BMP Verification Team. They will be focusing on how to better use aerial imagery for verification and discussing the lifespan of different BMPs. CAC discussed how the lifespan of some BMPs are expiring and states are losing credits in the Bay Model. CAC acknowledged the need to communicate this to the public so it is not interpreted as lack of progress.

Julie updated CAC about the DEIJ Action Team. The team's draft of the full implementation plan is due to the PSC by February. Julie said the purpose of the Community Advisory Board (CAB), which will not start until 2022, is to comment specifically on work of the GITs and Work Plans, differentiating it from CAC's scope of work.

Julie gave an update on the Plastic Pollutions Action Team. They will be releasing a final ecological risk assessment about the effects of microplastics on juvenile striped bass by April. They are also working on a document of common terminology. CAC discussed the importance of including impacts of human health and EJ in conversations about microplastics.

For officer elections, the CAC Nominating Committee recommends Julie Lawson for CAC Chair and Ann Jurczyk for CAC Vice-Chair. With no other nominations, John motioned for approval of the ballot and Joe seconded. The CAC unanimously approved both officers. CAC then presented Matt, the outgoing chair, with a gift for his service.

Jess updated CAC about four new members joining CAC in 2021 who were approved by the Alliance for the Chesapeake Bay's Board of Directors – Daphne Pee (MD), Xavier Brown (DC), Brenna Goggin (DE), and BeKura Shabazz (VA). Staff will be sending around resumes of the new members and, along with Joe Maroon, will be organizing two onboarding sessions for them in January and February. Other members are encouraged to attend.

Julie introduced the idea of improving the structure and function of CAC's subcommittees. CAC discussed creating jurisdictional caucuses instead of topic-based subcommittees, as well as using subcommittees for education and each one planning a panel annually. An action team consisting of Verna, John, David, Anna and Julie, was created to explore a new subcommittee structure and report back to the full CAC at the next meeting.

CAC discussed in more detail the idea of sending a congratulatory letter to the incoming Biden Administration and what to include.

## **Friday, Dec 4, 2020**

### **Chesapeake Bay Program Updates**

*Jim Edward, Deputy Director, EPA Chesapeake Bay Program*

Jim updated CAC on the Chesapeake Bay Program (CBP) budget and the DEIJ Action Team, and provided a summary of preliminary responses to CAC's recommendations to the Executive Council (EC). For FY 2021, the Americas' Conservation Enhancement Act authorizes the Bay Program \$90M and includes a new Chesapeake Wilds Program for Fish & Wildlife Service work in the watershed. The House Appropriations Bill increases the CBP funding level to \$90.5M and the current Senate Bill maintains \$85M.

The DEIJ Action Team's first meeting was Nov 6<sup>th</sup> and co-chairs (Jeff Seltzer and Maryem Karad) were selected. The Team formed three subgroups to concentrate on the strategic focus areas and the CAB. The co-chairs will be presenting updates at the PSC meeting on Dec 17<sup>th</sup> and will discuss funding options as well as the outreach strategy for early input.

In response to CAC's recommendations to the EC, the jurisdictional partners agreed to explore possible approaches with their public health agencies and the DEIJ Team will consider how to address public health in the DEIJ implementation plan. The restoration economy recommendation will be pursued by the CBP Budget and Finance workgroup and Wendy O'Sullivan volunteered to review National Park Service models for tracking the number of jobs created with CBP funding.

Discussion: CAC expressed gratitude for Jim's years of service and wished him well in his retirement. CAC asked for Jim's thoughts on how the committee can be most effective and what top issues they should focus on. Jim said that climate change and DEIJ will be major issues moving forward and advised that the CAC continue to be selective in what it puts forth and not oversaturate the CBP leadership with recommendations and comments.

### **Draft Conowingo Watershed Implementation Plan (WIP) Strategy**

*Matt Rowe, Assistant Director, Water and Science Administration, MDE*

*Bryan Seipp, Senior Project Manager, Center for Watershed Protection*

Matt and Bryan presented key elements of the draft Conowingo WIP(CWIP). Matt explained that the plan targets cost-effective practices in the most affected areas, develops alternative financing strategies and develops and qualifies alternative practices like mussel restoration and dredging. Bryan described how the plan targets areas with the greatest nitrogen reduction efficiency to save

costs. The plan exceeds the Nitrogen reduction target by 700,000 pounds and is estimated to cost \$53.3M per year.

Discussion: CAC members discussed MD's pilot dredging program and the pushback Exelon has given due to liability and indemnification issues. Members discussed the difficulty in differentiating CWIP reductions from the state WIP reductions. Members learned that the CWIP does not currently address sediment reduction but those numbers will be added to the CWIP later.

### **Conowingo Dam: Stakeholders' Perspectives**

*Beth McGee, Director of Science and Agricultural Policy, Chesapeake Bay Foundation*

*Betsy Nicholas, Executive Director, Waterkeepers Chesapeake*

Betsy explained the history of Exelon's Water Quality Certification and how the certification is the only opportunity for a state to impose environmental requirements on a federally licensed project. She explained how the Settlement Agreement between the Maryland Department of the Environment (MDE) and Exelon is only a proposed agreement and has not been approved by the Federal Energy Regulatory Commission (FERC). She argued that Exelon is not paying their fair share for nutrient reduction and the agreement pushes costs to the entire Bay partnership. In the Agreement, MD would also waive all clean water and enforcement rights for 50 years. She encouraged CAC to urge officials to pressure MD to withdraw from the settlement and remind Bay state officials about the costs that the Partnership will be responsible for.

Beth added that dredging is not a good option because it is not cost effective and can release ammonia into the water and hurt downstream water quality. She commended the state partners and consultants who have worked on the Conowingo WIP. She likes that the CWIP is cost-effective, includes both agricultural and urban areas, and is supportive of using mussels. She is against dredging in the CWIP and how the financing strategy is separate from the plan.

Discussion: Members discussed the costs and benefits of dredging. The group discussed possible opportunities for the incoming Biden Administration to get involved with Conowingo DAM relicensing via the FERC appointments and reinstating the Section 401 CWA regulations rollback by the Trump Administration. CAC asked about the MD legislation to withdraw the Settlement Agreement and learned from Betsy that it has potential to move forward in the future. CAC discussed ways to bring this issue to the Principals' Staff Committee (PSC) to get them involved and how to frame the issue in terms of equity because those downstream are being affected disproportionately.

### **Updates from the other Advisory Committees to the Bay Program**

*Ann Simonetti, LGAC Chair and Pennsylvania Member*

*Andy Miller, STAC Chair and Maryland Member*

As a way to stay in touch with the other Advisory Committees, CAC invited the chairs of STAC and LGAC to offer briefings on the work they are focusing on.

Ann shared how LGAC's overarching perspective focuses on the local priorities of economy, public health and safety, and infrastructure. She shared LGAC's current events, how local governments have had to adjust due to COVID, and listed their future priorities.

Andy key points from STAC's Executive Council presentation. He also described recent reports STAC has issued and topics of their ongoing work. He explained that STAC focuses on changes to the watershed decades out due to rapid changes from climate change. They have recently requested input on the impact COVID-19 has had on the partnership outcomes and plans to host several short discussions. He shared an [online survey](#) to solicit interest.

Discussion: CAC discussed the Local Government edition of the Bay Journal and LGAC's connection to the DEIJ Community Advisory Board (CAB). Members were interested in learning more about the recommendations from the recent LGAC forum on flooding. CAC discussed how social sciences are integrated into STAC, how the committee operates between meetings, and how members are chosen. Members discussed ways that STAC and CAC could partner on Conowingo issues.

### **CAC Reflection, Discussion and Action Items**

Staff shared with members a sneak peak of a new CAC intranet being built for members to more easily access files and CAC-related information.

Jess summarized the ideas members have discussed throughout the meeting for a congratulatory letter to the incoming Biden Administration that would list issues CAC sees as important for meeting the 2025 goals – reestablishment of the federal leadership committee in the Executive Order, reinstating the Bay Czar, a stronger role for the Secretary of Ag in the Executive Council, and to look at issues of the 401 rollback as it pertains to states' abilities to protect against federal projects through the Water Quality Certification Process. Members pointed out that the letter should connect Bay restoration efforts to reducing the impacts of climate change and sea level rise.

Members discussed setting up a meeting to inform VA leadership that there is an opportunity to relook at the Exelon settlement agreement because pressures have changed with the new administration.

Verna, Chuck, John and Bill Dickinson agreed to write a first draft of comments about the Conowingo WIP by January 5<sup>th</sup>.

CAC agreed to support a proposal for a STAC review about water temperature increases in the Bay.

Julie shared a [YouTube](#) channel of presentations from the Black and Marine Scientist Week. Staff announced another learning session for January (final date TBD) – Bay Modeling 101.

With no further business, the meeting adjourned at 5pm.