

# CHESAPEAKE BAY COMMISSION 2022



# WHO WE ARE



## VICE-CHAIR

Sara Love

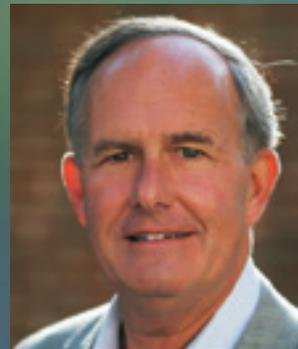
MARYLAND HOUSE OF DELEGATES



## CHAIR

Scott Martin

SENATE OF PENNSYLVANIA



## VICE-CHAIR

Lynwood Lewis, Jr.

SENATE OF VIRGINIA

**W**ITH A MEMBERSHIP OF LEGISLATORS, STATE OFFICIALS AND PROMINENT citizens from Maryland, Pennsylvania and Virginia, the Chesapeake Bay Commission is a bipartisan organization whose purpose is to craft and promote legislation and policies to foster the restoration of the watershed.

## 2023 MEMBERS

- ◆ The Hon. Scott Martin, Chair ..... *Senate of Pennsylvania*
- ◆ The Hon. Lynwood Lewis, Jr., Vice-Chair ..... *Senate of Virginia*
- ◆ The Hon. Sara Love, Vice-Chair ..... *Maryland House of Delegates*
  
- The Hon. Kerry Benninghoff ..... *Pennsylvania House of Representatives*
- ◆ The Hon. Robert Bloxom, Jr. .... *Virginia House of Delegates*
- The Hon. Tony Bridges ..... *Maryland House of Delegates*
- The Hon. David Bulova ..... *Virginia House of Delegates*
- ◆ The Hon. Sarah Elfreth ..... *Maryland State Senate*
- Warren Elliott ..... *Pennsylvania Citizen Representative*
- The Hon. Guy Guzzone ..... *Maryland State Senate*
- The Hon. Emmett Hanger, Jr. .... *Senate of Virginia*
- The Hon. Josh Kurtz ..... *Acting Secretary of Natural Resources, Maryland\**
- The Hon. Thomas "Mac" Middleton ..... *Maryland Citizen Representative*
- The Hon. Richard Negrin ..... *Acting Secretary of Environmental Protection, Pennsylvania\**
- Missy Cotter Smasal ..... *Virginia Citizen Representative*
- ◆ The Hon. Dana Stein ..... *Maryland House of Delegates*
- ◆ The Hon. Mike Sturla ..... *Pennsylvania House of Representatives*
- The Hon. Andrew Wheeler ..... *Director, Office of Regulatory Management, Virginia*
- The Hon. Tony Wilt ..... *Virginia House of Delegates*
- The Hon. Gene Yaw ..... *Senate of Pennsylvania*
- Rear Admiral Scott Gray ..... *Department of Defense Liaison*
  
- ◆ Member of the Executive Committee

*Note: One Pennsylvania House member awaits appointment*

*\*Awaiting confirmation at time of publication*

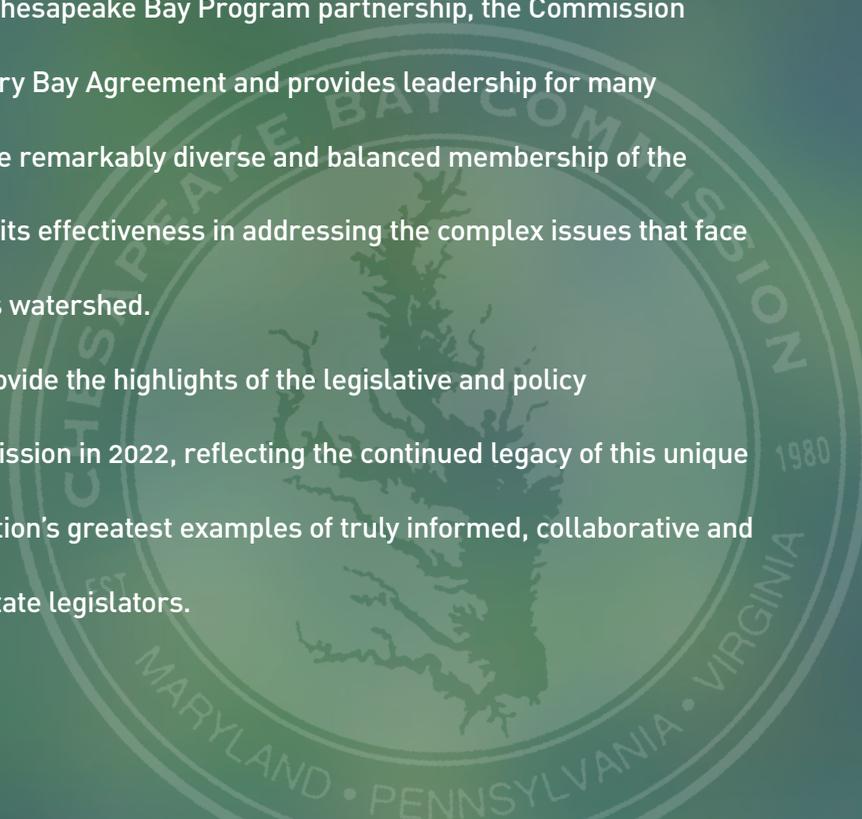
# OUR MISSION: POLICY FOR THE BAY

**C**REATED BY STATUTE IN THE 1980s BY THE LEGISLATURES OF PENNSYLVANIA, Maryland and Virginia, the Chesapeake Bay Commission consists of 21 members who contribute their time, talents and expertise to the work of preserving and restoring the environmental and economic resources of the Bay watershed. Fifteen state legislators (five from each state) partner with three appointees representing each Governor, and a citizen representative from each jurisdiction.

Together, across state and party lines, the members of the Commission anticipate the needs and respond to the challenges presented by the ongoing efforts to preserve and restore the Chesapeake Bay, its tributaries, its communities and its economies, and advise the members of their own general assemblies on matters of watershed-wide concern. The Commission also serves as a liaison to the U.S. Congress on policy and budgetary matters related to the restoration of the Bay and its watershed.

Commission members have led the legislative adoption of hundreds of laws and policies designed to improve the condition of the Bay watershed. As an integral member of the multi-jurisdictional Chesapeake Bay Program partnership, the Commission has been a signatory to every Bay Agreement and provides leadership for many Bay Program initiatives. The remarkably diverse and balanced membership of the Commission is essential to its effectiveness in addressing the complex issues that face the Chesapeake Bay and its watershed.

The pages that follow provide the highlights of the legislative and policy achievements of the Commission in 2022, reflecting the continued legacy of this unique institution as one of our Nation's greatest examples of truly informed, collaborative and bipartisan policy work by state legislators.



# THE COMMISSION IN ACTION 2022



Pa. Sens. Gene Yaw and Scott Martin celebrate the establishment of standards for turf fertilizer, legislation that had been pending for more than 11 years.



Commission Chair Md. Sen. Sarah Elfreth joins Va. Del. David Bulova, Va. Dir. of Regulatory Mgmt. Andrew Wheeler and Va. Sen. Emmett Hanger to learn how the Virginia Institute of Marine Science is helping to re-establish a commercial bay scallop fishery.



DAVE HARR

Va. Del. Rob Bloxom, Pa. Rep. Mike Sturla, Va. Sen. Emmett Hanger and Va. Citizen Member Missy Cotter Smasal celebrate USDA's May announcement of a new Chesapeake Bay States' Partnership Initiative, proposed by the Commission a year prior. Farms are expected to achieve 85 percent of the remaining nutrient reductions Baywide.



DAVE HARR

Baltimore City resident and Commission member Del. Tony Bridges helped lead discussions on operational issues at Md. wastewater treatment facilities.

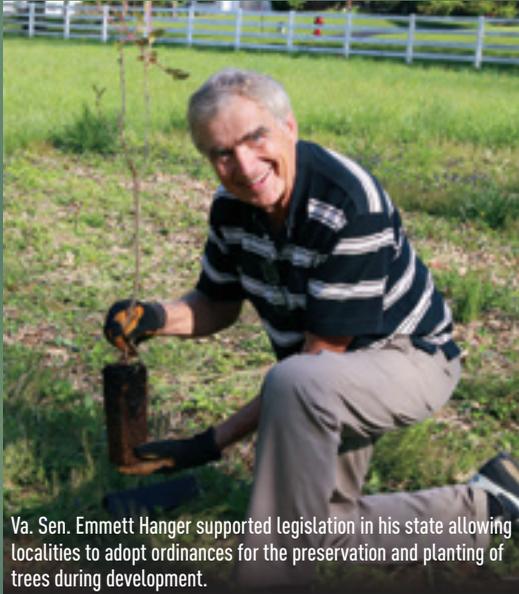


PA HOUSE OF REPRESENTATIVES

Pa. Rep. John Hershey sponsored legislation establishing a \$154 million agricultural cost-share program in Pennsylvania, whose farms are expected to provide two-thirds of all agricultural reductions Baywide.



The Virginia Delegation visited an Eastern Shore wetland to learn how climate change is threatening this key land cover for habitat and water quality.



Va. Sen. Emmett Hanger supported legislation in his state allowing localities to adopt ordinances for the preservation and planting of trees during development.



The Maryland Delegation visited the University of Maryland Center for Environmental Studies to gain new insight into the decline of juvenile blue crabs.



Pa. Sen. Gene Yaw, Md. Sen. Sarah Elfreth and Pa. Sen. Scott Martin worked across state boundaries and political aisles to secure passage of a new \$220 million Clean Streams Fund in Pennsylvania.



Pa. Reps. Mike Sturla, John Hershey and Keith Gillespie present retiring Commission Exec. Dir. Ann Swanson with a proclamation honoring her retirement after 34 years of historic legislative achievements.

Commission members joined Pa. DCNR Sec. Cindy Dunn, Pa. Ag. Sec. Russell Redding and staff of the Alliance for the Chesapeake Bay to plant a riparian forest buffer, a key practice for both water quality and climate resiliency.





LEFT TO RIGHT:  
Sen. Guy Guzzone,  
Del. Dana Stein,  
Citizen Member and  
former Sen. Mac  
Middleton,  
Sen. Sarah Elfreth,  
Sec. of Natural  
Resources Jeannie  
Haddaway-Riccio,  
Del. Sara Love

DAVE HARRP

## MARYLAND DELEGATION

**T**HE 2022 SESSION OF THE MARYLAND General Assembly proved to be productive for Commission members, who took the lead on a myriad of legislative actions — toxics, enforcement, outdoor recreation, living resource enhancement, environmental finance and climate.

In prior sessions, the members had sponsored legislation to limit use of PFAS-containing fire-fighting foams, but this year took much greater action by putting the state on a course to prohibit PFAS-containing fire-fighting foam, carpet and certain food packaging with direct food contact.

The enforcement capacity of state agencies, particularly Maryland Department of the Environment, has been a concern of the members for some time. Members led the passage of legislation to address the administrative continuation of discharge permits. Additionally, legislation was enacted to regulate and license individuals engaged in the installation and maintenance of on-site wastewater systems — to help ensure good outcomes for both the public and the environment.

The pandemic made clear both the importance of parks and natural spaces for people, and the limitations of existing park infrastructure and capacity. The Great Maryland Outdoors Act addressed these concerns for the Maryland State Park system, by establishing processes for surveying infrastructure and critical maintenance needs, increasing the number of Maryland Park Service full-time employees, and requiring the

Department of Natural Resources to develop capital improvement and long-range strategic plans.

On the living resources front, major legislation was passed to help enhance the oyster population, by targeting efforts to improve hatchery capacity and substrate availability. The bill created a grant program to help finance in-state oyster processing facilities that retain shell in Maryland, converted the current tax-credit program for restaurant-based shell recycling to a grant program and expanded the pool of potential participants.

The Conservation Finance Act passed, led by Delegation members, to enhance the ability of private-sector funding for environmental projects, both for climate and water quality benefits. The bill also expanded uses of State Revolving Loan Funds to target new and innovative financing, made possible by the expansion in funding to this program by the federal infrastructure bill.

Finally, the passage of the Climate Solutions Now Act of 2022 moved Maryland into a national leadership position in state climate policy, by setting aggressive emissions targets and providing funding and policy details to achieve them. Also, building on the joint assessment by the Commission, the William & Mary Law School Virginia Coastal Policy Center and the Chesapeake Legal Alliance, legislation passed to establish the Office of Resilience in the Department of Emergency Management and enhancements were made to the Resilient Maryland Revolving Loan Fund.



LEFT TO RIGHT:  
Rep. John Hershey,  
Acting Sec. of  
Environmental  
Protection Ramez  
Ziadeh,  
Sen. Gene Yaw,  
Rep. Keith Gillespie,  
Rep. Mike Sturla,  
Sen. Scott Martin

## PENNSYLVANIA DELEGATION

**W**ITH PASSAGE OF ITS 2022–2023 budget, the Commonwealth made a groundbreaking investment in clean water and natural resource protection. Utilizing \$220 million from the federal American Rescue Plan Act (ARPA), Pennsylvania's legislature established a new Clean Streams Fund to support non-point source efforts statewide. The Fund will allocate \$154 million to a new Agricultural Conservation Assistance Program (ACAP) for farmers who implement best management practices. Another new program entitled Clean Water Procurement will receive \$22 million to elicit innovative new projects from the private sector, with public support conditional on ongoing water quality benefits.

Other money in the Clean Streams Fund will be distributed to existing programs that support stormwater management planning, tree planting, abandoned mine drainage remediation and technical assistance for agricultural conservation. The ARPA money will expire in 2026, creating urgency to effectively deploy the money and begin the process of finding a long-term source of ongoing revenue.

Legislation to create the Fund and the new ACAP and Procurement programs was introduced in the Senate by Commission members Senator Scott Martin and Senator Gene Yaw along with fellow Senator Dan Laughlin of Erie, demonstrating its statewide impact.

A companion version in the House was introduced by Commission member Representative John Hershey. Ultimately, provisions of these bills were incorporated into the Fiscal Code as part of the final budget package.

The budget also included significant new investment in wastewater and stormwater, with \$320 million of ARPA dollars going to an existing H2O PA program. Another \$100 million from ARPA was appropriated for a new State Parks and Outdoor Recreation Program. A further \$56 million was transferred from the existing Oil & Gas Lease Fund for state park and state forest infrastructure improvements, and funding for conservation districts was tripled to \$10 million.

Yet another win was final passage of new standards for the application of fertilizer to turf. Introduced most recently by Senator Yaw, the bill had been considered by the general assembly in six different two-year Sessions. Similar to requirements in Maryland and Virginia, bagged do-it-yourself fertilizer will have limits on nitrogen and phosphorus content, and best management practices such as setbacks and date limits are prescribed.

These wins were the result of strong leadership by the Delegation members who not only introduced the bills, but also facilitated key meetings with legislative leadership and regional voices, including Commission Chair Senator Sarah Elfreth of Maryland.



## VIRGINIA DELEGATION

LEFT TO RIGHT:  
Del. David Bulova,  
Va. Dir. Adrienne Kotula,  
Sen. Emmett Hanger,  
Citizen Member  
Missy Cotter Smasal,  
Dir. of Regulatory Mgmt.  
Andrew Wheeler,  
Del. Rob Bloxom

**T**HE VIRGINIA DELEGATION FOCUSED ON climate resilience in 2022. In direct response to the Climate Policy Gaps Analysis the Commission completed in partnership with the William & Mary Law School Virginia Coastal Policy Center and the Chesapeake Legal Alliance, the Delegation carried four pieces of legislation. In addition, the Delegation achieved success on long-term priorities for Virginia's Soil and Water Conservation Districts and environmental literacy.

The largest piece of legislation that the Delegation championed was the creation of the Resilient Virginia Revolving Fund. The Fund is a partnership between the Department of Conservation and Recreation and the Virginia Resources Authority. The Fund will be used for loans or grants to local governments to address resilience projects such as buyouts in areas experiencing repetitive loss, or areas in need of green infrastructure improvements to address flooding. The Fund was also capitalized with an initial \$25 million deposit.

To complement the Fund, the Delegation worked to enhance and clarify the requirements for Virginia's Flood Protection Master Plan and the Coastal Resilience Master Plan. The legislation created deadlines for plan publication and routine updates. The development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents was also added as a requirement.

The Delegation clarified the designation and role of the Chief Resilience Officer by securing the position within the Office of the Secretary of Natural and Historic Resources. The legislation also added provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan.

The Virginia Delegation also achieved success on some long-term priorities, such as increasing the funding going to Virginia's Soil and Water Conservation Districts to ensure robust Administration and Operations funding. Virginia's Soil and Water Conservation Districts provide important technical assistance to farmers and are the purveyors of Virginia's Agricultural Cost Share Program. The Delegation helped to secure an increase of \$3.6 million per year to the districts.

The Delegation had been pursuing an enhancement in Virginia's environmental literacy program for several years. In 2022, the Delegation was successful in creating two positions at the Department of Conservation and Recreation to focus on environmental literacy throughout the Commonwealth. The Delegation worked to ensure the positions would be focused on K-12 environmental literacy and help support our Chesapeake Bay Agreement goal of providing every child with a meaningful watershed educational experience.



## A FOND FAREWELL

**A**LTHOUGH HER TITLE WAS EXECUTIVE Director, Ann Swanson was, in reality, the heart, soul and conscience of the Chesapeake Bay Commission for 34 years. Under her leadership, the Commission became a regionally, nationally, and internationally respected organization.

As the policy guru behind hundreds of laws enacted to improve the Bay and its watershed, as a primary author of the comprehensive *Chesapeake 2000* agreement, and as the region's leading advocate for billions of dollars invested by state and federal government for Bay restoration, Ann garnered success after success. It was not only the breadth and depth of Ann's knowledge and experience that led to many of these achievements, but also the passion, tenacity, and optimism that she continually displayed, challenging her colleagues to stretch toward the "outer edge of doable" — an edge that sometimes only Ann had the vision to see. Moreover, the spirit with which Ann worked — bipartisan, respectful, and rooted in a dedication



Pa. Citizen Member Warren Elliott was one of more than 100 Bay leaders who celebrated Ann's well-deserved retirement.



Md. Citizen Member and former Sen. Mac Middleton and Md. Sen. Guy Guzzone demonstrate the spirit of friendship that Ann fostered among Commission members.

to build on common ground — enabled many, including many Commission members, to work through the tough issues.

Ann's retirement is bittersweet, as she knows that despite all her success, the Bay restoration effort is incomplete. There remain pollution loads to reduce, lands to conserve, forests to plant. Nevertheless, it was during her career — and in many ways attributable to her leadership — that nutrient pollution levels dropped by a third even as the watershed's population grew by 50 percent.

After his own long and distinguished career in Virginia as a member of the House of Delegates, Secretary of Natural Resources and two-time Chair of the Chesapeake Bay Commission, W. Tayloe Murphy, Jr., declared that hiring Ann Swanson to lead the Chesapeake Bay Commission was "the smartest decision I ever made."

Legions of Bay leaders, citizens of the watershed, and estuary advocates across the globe would agree.



### ... AND A WARM WELCOME

The Commission welcomes Anna Killius as its new Executive Director. Named a "Champion of the Chesapeake: Next Generation" by the Chesapeake Conservancy, Anna brings her expertise as a lawyer, advocate and former Congressional staffer to the role as well as a fresh perspective on the challenges that lie ahead.

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**Chesapeake Bay Commission**  
*Policy for the Bay*