



Citizens Advisory Committee
TO THE CHESAPEAKE EXECUTIVE COUNCIL

July 2, 2015

The Honorable Terry McAuliffe
Chair, Chesapeake Executive Council
Commonwealth of Virginia
Office of the Governor
1111 East Broad Street
Richmond, VA 23219

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Dear Governor McAuliffe:

Since its founding in 1984, the Citizens' Advisory Committee (CAC) has worked to fulfill its responsibilities to the Chesapeake Executive Council (EC) by reviewing Chesapeake watershed policies and programs, identifying gaps and opportunities, and offering advice on key restoration issues from a citizens' perspective and broad base of experience. As your citizen advisors, we appreciate that substantial progress towards the Bay restoration has occurred and we recognize the many persons, organizations, agencies and other interests who have made a difference. We also acknowledge the challenging work which remains. In that regard, we take our volunteer time seriously to watch over the progress being made on the aspects of the restoration effort that can foster and strengthen the health of our ecosystem and quality of life.

Since the Executive Council's June 16, 2014 meeting the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council (EC) has met in Virginia, Maryland, and Pennsylvania to discuss restoration progress and challenges; Chesapeake Bay Program (CBP) accountability and governance; water quality nutrient trading; agriculture and Nutrient Management Plans; environmental justice; citizen and student environmental engagement; 2017 Midpoint Assessment of the TMDL; and progress toward the Two-Year Milestones. Additionally we have closely followed the development and provided comments on the Chesapeake Watershed Agreement Management Strategies with a particular focus on: Water Quality; Citizen Stewardship; Diversity; Local Leadership; Riparian Forest Buffers; Stream Health; Public Access; and Toxics.

We aim to offer the Program Partnership meaningful insights and suggestions that can be translated into policy changes or concrete actions. Below we offer our top three recommendations of issues and opportunities for 2015-2016 that we strongly believe would help accelerate the partnership's efforts to meet the goals of the Chesapeake Watershed Agreement (CWA).

Thank you for your leadership for the Chesapeake Bay Watershed. We are available to meet with you or your staff to further discuss the recommendations.

Sincerely,

Charles Stek
Chair, Citizens' Advisory Committee

Jessica M. Blackburn, CAC Coordinator

612 Hull Street, Suite 101C | Richmond, VA 23224 | (804)775-0953 | jblackburn@allianceforthebay.org |



Chesapeake Bay Program
A Watershed Partnership



2015 Citizens' Advisory Committee Recommendations to the Executive Council:

(1) Take Advantage of Federal Funding Opportunities and Untapped Resources:

Adequate funding is an absolutely essential ingredient to implement the management strategies for the Chesapeake and to restore each of the degraded rivers and streams throughout the watershed. Since the issuance of Executive Order #13508 in 2009, Federal funding for the EPA Bay Program and a few select Federal agencies has grown significantly. Still others have experienced cutbacks or inadequate funding in programs critical to meet CWA goals.

We commend members of the Executive Council for supporting and advocating for the \$33.3 million contained in the President's Fiscal 2016 budget request for the *Rivers of the Chesapeake* proposal – the first time that federal funding has been budgeted to conserve large landscapes in the watershed and help meet the CWA's two million acre goal. But more effort is needed to sustain these funds this year -- and in future years -- and to access resources and funding opportunities from several Federal agencies that have yet to be tapped. To do so will require a multi-pronged strategy of engagement by the Executive Council with: a) individual federal agencies; b) the White House in the formulation of the President's budget requests c) the Congress in supporting and enhancing the budget requests and authorizations for the various federal agencies d) and matching support from non-federal partners.

The Citizens' Advisory Committee offers several specific federal funding opportunities below that would accelerate the Partnership's efforts to enhance the health of local rivers and meet the goals of the Chesapeake Watershed Agreement:

- *Rivers of the Chesapeake multi-year funding needed to meet the Land Conservation and Public Access Goals:* The Fiscal 2016 budget request for the *Rivers of the Chesapeake* proposal provides \$33.3 million to conserve landscapes on the great rivers in the watershed - the Potomac, Rappahannock, James, Nanticoke, and Susquehanna Rivers. If approved by the Congress, it would be the first down payment in what is anticipated to be a \$187 million, multi-year federal funding effort to conserve some 30,000 acres of land throughout the watershed and open up new public access opportunities.

Recommended Action: Continue advocating in Congress for these funds in FY 16 and with the White House for future years to ensure that the funding is sustained.

- *U.S. Department of Education engagement needed to help meet the Environmental Literacy Goal:* The U.S. Department of Education has many types of assistance such as formula and competitive grants which can help advance the Environmental Literacy goal, but it is one of the few Federal agencies which has not signed a commitment to assist and collaborate in the restoration and protection of the Watershed.

Recommended Action: Encourage the Secretary of the U.S. Department of Education to sign a formal Memorandum of Understanding (MOU) with the Bay Program to actively support the environmental education efforts of the State and local education agencies in the watershed.

- *POWER Plus Funding to leverage resources to meet Vital Habitats and Healthy Watersheds Goals:* Acid mine drainage from abandoned coal mines remains one of the most severe and extensive water pollution problems in the mountainous regions of the Chesapeake watershed. As part of the President's Fiscal 2016 Budget request, the U.S. Department of Interior's Office of Surface Mining and Reclamation proposes to



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make \$200 million a year available to states over 5 years to reclaim abandoned coal mine land sites and associated polluted waters.

Recommended Action: Advocate in Congress to approve the funding for acid mine drainage remediation and with the White House to continue funding in future years.

- *U.S. Army Corps of Engineers Environmental Infrastructure Funding for the Watershed:*
In addition to its oyster restoration work, the U.S. Army Corps of Engineers is authorized to provide technical, design and construction assistance to States and local governments for a broad variety of water-related environmental infrastructure, resource protection and restoration projects in the Chesapeake watershed from sediment and erosion control to restoration of submerged aquatic vegetation to other related projects that enhance the living resources of the watershed.

Design and construction costs for most projects are shared 75% federal and 25% non-federal and often in-kind services are allowed in lieu of cash. There are more than \$28 million in authority remaining under the Corps' Section 510 Chesapeake Bay Environmental Restoration Program alone that has yet to be expended.

Recommended Action: Urge the President and the Secretary of the Army to budget for the Army Corps' Chesapeake restoration work and the Congress to appropriate funding.

(2) Make the Watershed Agreement Relevant on the Local Level

In meeting after meeting the Citizens' Advisory Committee members and the people we interact with have emphasized the critical importance of bringing the commitments, goals and management strategies of the new Chesapeake Watershed Agreement to local rivers and streams and making the Agreement relevant to local citizens and communities. Improvements to the mainstem of the Chesapeake Bay depend on improvements to all the rivers and streams that flow into the Bay. Local communities, local governments and local citizens must be engaged for restoration efforts on both a small watershed scale and the larger Chesapeake watershed scale to succeed.

If we are to garner broad based support of all of our region's citizens then they must understand that the Agreement workplans will benefit their communities- not just somewhere downstream. This is why we believe there is no single solution, like dredging the Conowingo Dam that will resolve Bay-wide or local water impairments. All citizens of the watershed deserve clean water and all jurisdictions have pledged to protect this right by signing the Chesapeake Watershed Agreement.

Over the years, since the 1992 amendments to the Bay Agreement, important strides have been made to "bring the Bay Program upstream" such as the Alliance for the Chesapeake Bay's fact sheets on each of the major tributaries in the watershed developed and distributed in the 1990s, state-lead tributary strategies for the rivers, report cards developed by local and regional non-profit organizations or educational institutions for some the rivers, and more recently "envision the James River," and other locally derived river initiatives. But these fact sheets, report cards, and plans often focus only on one aspect of local river or watershed health such as water quality, and do not provide a consistent or coordinated framework which integrates nutrient and stormwater reduction, land conservation and public access, land use planning, environmental literacy, local leadership, and habitat restoration efforts, among others into a comprehensive locally-lead and supported strategy for ecosystem restoration and protection at the local watershed level.



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Recommended Actions:

Allocate funding from the Chesapeake Bay Grants Programs to:

- a) Develop a consistent report card and fact sheet for each of the rivers or small watersheds within the Chesapeake watershed which identifies the health, pollution challenges, and restoration needs across the broad spectrum of CWA goals and management strategies.
- b) Convene locally led charrettes bringing together local leaders, local governments, NGOs, Riverkeepers, and other community members to develop a local community vision for restoring the health and sustaining the economy and quality of life for each of the rivers or small watersheds within the broader Chesapeake watershed, consistent with the goals and commitment of the CWA. We believe enhanced communication and support for a community based vision is the key to translating State/Federal Workplans into local action.
- c) Make the workplans locally relevant by incorporating as much local action as possible. Without the linkage between State / Federal action and local action, the workplans will be less effective for local water improvements and lack community buy-in and participation that are necessary for a long term, sustainable effort.

(3) Enhance Accountability by including Verification as an Element of Implementation

The essential support for restoration from citizens, the private sector, and public funders can only be continued by demonstration of the wise expenditure of taxpayer's funding, and private, and foundation resources. We join with the STAC in advocating for "evidence based assessment" that includes independent verification of Best Management Practices (BMP). As the Partnership continues to seek alternatives mechanisms for financing, the ability to document implementation will be a critical component of this endeavor. Additionally, robust verification helps assure that all sources of pollution are doing their "fair share."

The partnership has made good progress over the last several years in refining protocols for BMP verification. Establishment of an ongoing, independent entity will ensure that these protocols are useful in the quest to provide confidence on the part of the public. We think this will be particularly important as the jurisdictions begin to rely more heavily on nutrient credit trading. We must emphasize that while there are significant savings that can be realized by nutrient trading, the purpose of trading programs should not be merely reduction of costs, but first and foremost to improve water quality.

Recommended Actions:

- a) Include funding to verify implementation of conservation practices.
- b) Create a task force to look at cost saving and innovative technology to expedite verification.
- c) Review upcoming recommendations being developed using Foundation funding for models of independent verifications.



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