

## *Bay Commission has quietly pushed region's environmental agenda for 35 years*

≈ Group pushed for phosphate ban, rockfish moratorium and funding to stem runoff and upgrade stormwater treatment plants.

BY RONA KOBELL

The Chesapeake Bay region is filled with environmental groups and government entities that have worked to stop pollution, preserve forests and farmland, and save endangered places from rampant development. These groups tend to put out press releases that tout their accomplishments and work hard to raise money so they can do more.

But there is one body that has, for more than 35 years, been instrumental in passing some of the most important legislation affecting the troubled estuary: the Chesapeake Bay Commission. And many people have never heard of it.

Created in 1980, the 21-member commission advises legislatures in Maryland, Pennsylvania and Virginia on issues of Baywide concern. And it has been a signatory, along with the states and federal government, on every one of the Bay restoration agreements drawn up since 1983.

With a staff of five and a budget of \$675,000 from three states, it doesn't have the funds to hire a marketing department. But those who work closely on Bay issues know that it has had a hand in nearly every important policy decision in those states.

Its accomplishments include the passage of a phosphate detergent ban in the three watershed states in the 1980s, which later went nationwide; securing millions of dollars in funding for farm runoff control measures and costly sewage treatment plant improvements; the conservation of forests; a ban on a toxic chemical in boat paint; and the adoption of a more environmentally friendly animal feed for poultry flocks.

It added its voice to the successful push in the early 1980s for a rockfish moratorium to save the popular and commercially valuable species from collapse. In the 1990s, it helped establish a bi-state commission where Maryland and Virginia could collaborate on blue crab management. More recently, it pushed for more and larger oyster restoration projects. It's also encouraged manure-to-energy efforts and nutrient trading to use the power of markets to help reduce pollution.

A big part of its success, commissioners say, is its longtime executive director, Ann P. Swanson. She has been with the commission since 1988, when she left the Chesapeake Bay Foundation. A graduate of Yale University School of Forestry and the University of Vermont, Swanson has come to know the key decision-makers in the three states and the District of Columbia. She can pick



*Chesapeake Bay Commission Executive Director Ann Swanson, second from left, confers with (l-r) Pennsylvania Rep. Mike Sturla, Virginia Del. Scott Ligamfelter and Maryland Del. Maggie McIntosh during a recent Bay Commission meeting in Annapolis. Photo / Dave Harp*

up her cellphone and call Maryland Attorney General Brian Frosh, a former commission member, or the natural resources secretaries in Virginia and Pennsylvania, who are also members.

"We're a long ways from the grand slam we want, but I credit Ann immensely for her leadership," said Bernie Fowler, a former Maryland senator who has championed the Bay cleanup for 50 years. "She has a sincere affection for the environment and the Chesapeake Bay. She knows how to work with people. All of that hasn't saved the Bay yet, but she has her heart in it, and she's trying desperately."

Five lawmakers from the three main states sit on the commission, along with a cabinet-level secretary and a citizen representative. (Delaware, West Virginia and New York send representatives to the commission but are not voting members.)

Unlike other commissions, where senators send their aides, most of the elected officials attend in person. The quarterly meetings rotate around the watershed, though one is always in Washington, DC, so members can confer with members of Congress and other federal officials.

Last year, the commission pushed for a regional ban on microbeads in personal care products, similar to one recently adopted in Illinois. Maryland lawmakers were the only ones to pass it, but pressure from commission members in all three states added to the political momentum for a nationwide phase-out approved by Congress at the end of 2015.

This year, in Maryland, the commission backed successful legislation to protect dedicated state funding for park acquisition and farmland preservation.

Governors and lawmakers had repeatedly raided the Program Open Space fund of hundreds of millions of dollars over the years to help balance the budget.

In Virginia, following up on another commission priority, the governor and legislature put \$140 million in the state budget to help farmers fence their livestock out of streams. A commission report last year documented how livestock drinking and cooling themselves in streams not only caused harmful bank erosion and nutrient pollution, but led to more stress and illness for the animals.

Not all environmentalists support every commission stance. Several riverkeepers have opposed nutrient trading — even with verification — on the grounds that it can promote environmental injustice. Some also don't like manure to energy because combusting poultry waste can create air-quality problems.

And commission staff found themselves on the other side of the table from some natural allies when they embraced "agricultural certainty," a program that allows farmers who are following all of the rules to be granted amnesty from new regulations for a decade.

For Patuxent Riverkeeper Fred Tutman, the commission is emblematic of the two styles of environmental advocacy in the Chesapeake Bay: the pragmatists working from within and the activists working from outside. Tutman has filed lawsuits over air pollution and stormwater discharges. He pointed out that it was Fowler who helped to get the Bay cleanup movement started — with a lawsuit against the state of Maryland and the Environmental Protection Agency.

"I think we need to take groups like

this and rethink them," Tutman said of the commission. "Either we're winning or we're losing, and I don't think anyone can argue that we're winning. If it's just incremental gains that fall short of what's truly needed, we won't have a Bay."

But a large part of the commission's success, say its supporters, is its ability to turn conservative, pro-farm legislators into environmental advocates.

"I think anytime we get together and try to reason together, it's helpful," said Lowell Stoltzfus, a former commission member and longtime farmer who represented the Eastern Shore for two decades in the Maryland Senate.

Stoltzfus received a 13 percent score from the state chapter of the League of Conservation Voters for opposing legislation on renewable energy and penalties for violating water-quality laws. He lobbied to join the commission after Maryland Senate Minority

Leader John Cade died and a spot opened up. Stoltzfus said he wanted to serve to protect the economic viability of the poultry industry. Without it, he said, the Shore "would be like Appalachia."

And yet, Stoltzfus worked with Swanson to help shepherd the "flush tax" through the Maryland legislature in 2004, providing funding for upgrades to sewage treatment plants and household septic systems. It remains one of the most significant pieces of Bay legislation. Though environmentalists supported the fee, it was then-Gov. Robert L. Ehrlich Jr. who proposed it — like Stoltzfus, a Republican.

Besides funding sewage plant upgrades, the fee helps pay for planting cover crops in the fall, which helps to keep nutrients from washing off farm fields into the Bay. As a result, Stoltzfus said, it's hard to find a bare field in the winter.

"It's been a good marriage, as far as helping to enlighten and inform both sides," Stoltzfus said of the commission. "Ann has been incredibly successful at getting people to work together, to sit down together. She's very strong on the environmental side, but she also worked well with the conservative side."

Virginia and Pennsylvania have also sent conservative Republicans to the commission's table. Often, they become Bay advocates. Some come from farming and fishing communities and work to pass laws that will preserve farmland and punish those who attempt to steal natural resources.

In 2015, Scott Lingamfelter, a Virginia delegate serving that year as commission

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# PA state senator predicts a 'greener' future for GOP

≈ Alloway, a Republican, advocates for the Bay and bridging the gap between parties on environmental issues.

BY RONA KOBELL

Like many Republicans in Pennsylvania, Richard Alloway believes in smaller government, the sanctity of the Second Amendment and the promise of natural gas drilling in the Marcellus Shale.

But the GOP state senator representing South Central Pennsylvania also believes in clean water. He has planted thousands of trees across his district, pushed for more funding for farmers to help them curb their runoff, and is working on a bill to regulate the fertilizing of lawns.

Elected in 2009, Alloway said he has always been an environmentalist; he grew up hunting and fishing in Pennsylvania's vast outdoors. But his appointment to the Chesapeake Bay Commission two years ago solidified his commitment to the estuary and spurred him to push for more legislation to protect it.

"You can be a conservative and be pro-environment," Alloway said during an interview in his Chambersburg office. "What's the heart of the word conservative? It's 'conserve.'"

Until a few decades ago, Alloway wouldn't have stood out. Republicans helped build the Bay cleanup movement and pushed for clean air, clean water and preservation of natural areas. Theodore Roosevelt and John D. Rockefeller Jr., scion of the Republican political family, were forces, nationally, in conserving some of the United States' most cherished landscapes. Charles "Mac" Mathias, Jr., a three-term U.S. senator from Maryland, was instrumental in crafting the first Chesapeake Bay Agreement. The Nixon administration established the Environmental Protection Agency, albeit somewhat reluctantly, and imposed a ban on DDT in 1972 amid concerns about the

pesticide's impact on birds and possibly on human health.

In recent years, one of the most powerful Republicans in the U.S. Senate has brought a snowball to the chambers in an attempt to disprove global warming. Most of the GOP candidates for president this year have questioned whether climate change is real, and said if it is, it's unlikely that humans are causing it. The Pennsylvania Farm Bureau enjoyed broad support among Republican state legislators in its failed court case accusing the EPA of overreach for trying to enforce its Baywide cleanup plan, known as the Total Maximum Daily Load.

It's a lonely job, the role of a conservative Republican pushing for environmental improvements. Alloway acknowledges it can be tough pleasing the members of his caucus as well as his conscience. (He does believe climate change is real, and that human activity is accelerating it, but he's not sure it's happening as fast as recent predictions claim.)

Bay advocacy is especially hard in Pennsylvania, which contributes the largest load of pollution to the Chesapeake but has no Bay frontage. Complicating matters is Pennsylvania's history as an extraction state. The first oil wells were drilled in Pennsylvania. It has also yielded large quantities of coal, natural gas and timber.

Though many of Alloway's constituents drive across the Bay Bridge en route to the beach, relatively few have made the connection between their actions on land and water quality, he said.

Given Pennsylvania's recent budget battles, residents are loath to spend money on an expensive cleanup that they don't

pollution, it leaves it largely up to the states to decide how to do that. And so, the policy work amounts to cajoling and nudging, using facts and, in some cases, field trips throughout the watershed to persuade legislators in the states to enact certain regulations.

In one memorable trip, Swanson arranged for scientists and policy makers to accompany Smith Island watermen on their boats as they went crabbing.

"The relationship building that went on that day was incredible, and long-lasting," said Pat Stuntz, the commission's former Maryland director who now works for the Keith Campbell Foundation for the Environment. "Ann is just really good at figuring out those settings where people can talk and collaborate."



Pennsylvania Sen. Richard Alloway stands in front of hundreds of trees he helped to plant at Chambersburg Middle School, where he was once a student. The trees will reduce noise and pollution from Interstate 81, which runs alongside the school. Photo / Rona Kobell

think will benefit them. Many of the farmers contributing to the Bay's pollution are Plain Sect or Amish, who won't take government money or accept high-tech solutions that change the way they've farmed for generations. But Alloway suggested that it's precisely because of who he is that he's poised to make a difference.

"I'm sort of an interesting spokesman, which is why I take this role so seriously," he said. "I think I'm the guy who can bridge the gap between the left and the right. Let's lower the rhetoric. Let's talk about what we can agree on, and what we can get done."

One recent morning, Alloway was up at 7 a.m. to help plant 1,500 trees at a military base. Superstorm Sandy had sheared the mountainside, and the federal government had helped to pay for replacements. He's already on pace to beat last year's record of 3,000 trees planted in his district, which includes Hanover, Gettysburg and Chambersburg.

Alloway said he always knew trees had benefits, but his service on the commission showed him just how far behind his state — once known as "Penn's Woods" — had fallen in reforestation. Trees, Alloway reasoned, are a low-cost solution to a multitude of problems. They suck up nitrogen, cool the air, improve habitat for fish, dampen noise from highways and beautify communities. They also offer an easy way to involve the community and engender its thanks.

"Rich has really embraced the idea of planting trees to help the watershed. Given his stature as a state senator, it really helps

to get the message out," said G. Warren Elliott, a fellow Bay Commission member who has known Alloway since he was a teenager. Alloway once took a local government class taught by Elliott at Shippensburg University. Elliott, a business consultant who serves on Pennsylvania's Fish and Boat Commission, has become a mentor of sorts to the 48-year-old senator.

"He's connected the dots in his own mind that if we're going to hunt and we're going to fish, we also have to protect the resources," Elliott said.

Through his work on the commission, Alloway has been pushing for more funding to keep livestock out of streams. As with the trees, he said, it's an easy solution that makes a big difference.

A harder sell, he said, has been a fertilizer bill that he hopes will reduce the amount of phosphorus entering waterways. The bill would require commercial fertilizer applicators to get certified, and it would codify Penn State recommendations to restrict spreading lawn food on frozen ground or less than 10 feet from waterways. Maryland passed similar legislation. Alloway said he heard about it through his commission work and decided Pennsylvania should try something similar.

As he presses his causes, Alloway is hoping the work becomes less lonely.

"I think that my generation, and the next generation, of Republicans are going to have to be pro-business and pro-environment," he said. "The future of the Republican Party is a conservative and environmental-minded official."

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chairman, championed a Virginia law that established harsher penalties for those who steal oysters from leased or public oyster grounds

Similarly, the commission backed Maryland's Phosphorus Management Tool regulation, which over the next several years will gradually curtail the amount of phosphorus-rich manure that can be applied on some farm fields.

The commission's work is important, members say, because the series of Bay restoration agreements hammered out over the last three decades do not compel the states to act. Even though the EPA-imposed Total Maximum Daily Load does require states to reduce nutrient