To: Chesapeake Bay Program Management Board and Goal Implementation Teams

From: Citizens Advisory Committee to the Chesapeake Executive Council

Re: CAC comments on the draft Management Strategies

Date: February 3, 2015

Thank you for opportunity to provide comments on the draft Management Strategies prior to the formal public input period. We received numerous comments from members of the CAC on the stewardship, diversity, water quality, climate resilience, environmental literacy, public access, land conservation, urban tree canopy, forest buffer, and wetlands strategies which are summarized below.

Three key themes are prevalent in our comments: Accountability, Education and Engagement, and Considerations for Diverse Stakeholders and we recommend that all of the Management Strategies have some elements of those three themes. We are also concerned that some of the Management Strategies do not really reflect any new thinking or action or the actions are simply listed, but are not really strategic. We recommend that as you frame the communications for the public release and input that you ask for comments to be focused more on creative, new suggestions that will accelerate progress toward the goals.

Please feel free to contact us if you have additional questions.

Sincerely,

Charlie Stek

Chair, Citizens Advisory Committee

***Citizen Stewardship***

* Placed-based education which turns communities into classrooms and fosters opportunities for service-learning and stewardship should be incorporated in the Strategy.
* Include Environmental Literacy in the cross-goal collaboration.
* The EPA Chesapeake Bay Small Watersheds and Innovative Nutrient and Sediment Reduction Grants programs should be encouraged to target or prioritize grants for
  + Greater collective impact by engaging a larger and greater diversity of citizens and partners including schools at all levels, landowners, businesses and underrepresented constituencies in project development and implementation.
  + Building capacity in communities where there are major gaps in engaged citizens.
* Better monitoring of the ecological and collective impact of stewardship grants is encouraged.
* We still don’t know what changes in individual behavior would produce the greatest results for local waters. Can we find out what is the one thing we should ask people to do that has the great impact?
* Individual citizen action can be spelled out by category like, landscape practices, transportation choices, energy use, waste reduction and reuse, water use, etc…
* Not clear on how volunteering on a volunteer day can be a part of the same strategy as choosing renewable energy.
* Recognition programs and highlighting local successes on TV, radio, print media and NGO publications should be encouraged to incentivize action with positive reinforcement.
* Still unclear how success is being measured.
* Volunteer work must be localized. When we discuss having engaged/trained volunteers, what are we really asking them to be knowledgeable of and what are we asking them to promote within their community?

***Diversity***

* Include Environmental Literacy in the cross-goal collaboration.
* Develop a baseline of the demographics of students in public schools and compare that to the students who are receiving any form of environmental education.
* It may be appropriate to have the target group for some communities be those who do not identify as “green” or environmentalists. Some middle and upper class folks in some communities are equally as disinterested as low income people.
* Address the communications challenge by targeting radio spots on stations that serve diverse communities like African American and Latino communities.
* On hiring practices- add the lack of targeted recruiting at Historically Black Colleges and Universities.
* On Who is Participating- Connect with local leaders by making connections to environmental injustice, illegal dumping, housing, job creation, etc…

***Local Leadership***

* The Strategy should focus more on rivers and local waters and less on the Bay.
* Build more emphasis on developing a strategy to systematically deliver outdoor field trips, boat trips and/or farm trips for local decisions makers to help increase knowledge and change perspectives
* Use a portion of the EPA Chesapeake Bay Small Watersheds and Innovative Nutrient and Sediment Reduction Grants to help with local leader education and training. Perhaps require applicants to do outreach, education, engagement and awareness building for local decision makers.
* The use of public opinion polls to get a sense of baseline knowledge of local officials should be more explicitly included in the Strategy as a way to get information quickly and broadly. It can be targeted by jurisdiction or region.
* There is a need for more concrete steps on delivering messages to local leaders. Build on existing local government associations and planning associations to have time on their agendas at their conferences or in their publications. That will reach more local officials since many are more likely to attend those conferences than a Bay-specific workshop.
* Build messaging and education into existing leadership programs.
* Partner with universities so local officials feel they are getting unbiased information.
* Include Land Use related workgroups in the cross-goal collaboration.
* Include Environmental Literacy in the cross-goal collaboration.

***Climate***

* Consider tracking compliance and enforcement on stationary sources of air pollution which is a good tool for promoting environmental justice.
* Interesting that NY and WVA are not full participants (though NY is participating in Adaptation) – how will the Bay Program monitor watershed wide without their participation?
* Local Engagement:  Don’t just focus on coastal communities.  Final Strategy needs to recognize that parts of the watershed will require different approaches.  For example, the Middle Peninsula of Virginia (largely rural) will deal with this much differently than Norfolk.  Inland areas need support and assistance, too.
* Natural System Factors should include subsidence lf land that is compounding the issue in some areas like Hampton Roads.
* Human System Factors:  The final strategy needs to consider decision-makers views on the science/reality of climate impacts.
* Management Approach:  Only mentions a few of the key documents.  They should at least acknowledge the work of organizations like VIMS, William and Mary Coastal Policy Clinic, ODU, Georgetown, etc.  Plus the state Climate Commissions.
* Establishing Adaptation Outcome Priorities will be challenging but vital to the partnership’s efforts working with landowners and localities.
* Final Strategy should discuss how to incentivize private landowner actions.
* Adaptation needs to recognize that there are regulatory barriers to addressing climate impacts.  Some of those are perceived or real barriers (like lack of specific legal authority).  VA DCR could not incorporate into Stormwater BMPs an allowance for future climate changes in the Virginia stormwater regulations, because the agency did not have specific authority to do so.  This is a big issue that needs acknowledging and addressing.
* Can the Partnership come up with a list of preferred BMPs that will address both Climate impacts and Stormwater runoff?  This would greatly help localities.
* The strategy should include promoting living shorelines as an alternative to hardening shores.

***Urban Tree Canopy***

* Not much focus on maintenance and post planting care, as implementation ramps up these will become critical issues.
* A lack of a reliable, robust funding source (analogous to CREP on Ag lands) is one of the primary stumbling blocks. The availability of programmatic funding would facilitate a constant stream of these types of projects. Limited funding and long funding cycles inhibit enthusiasm and broader engagement of interested groups.
* The CBWA goal to expand the urban tree canopy by 2,400 acres by 2025 was based on a model that assumes 100 trees = one acre planted in urban settings.  Meeting this goal will require a very robust tree planting program and not all of the CBWA partners currently have an infrastructure in place to capture urban tree planting numbers on a watershed-wide basis.
* Most current projects are small and run and managed primarily through volunteers.  Some state agencies have been assisting communities by using grant funds to fund volunteer projects and by providing technical assistance in conducting urban tree canopy assessments but centralized, state-wide repositories to collect and report the data do not exist in all states.
* Similarly, there is often no formalized link to the local governments to develop individual tree planting goals based on the assessment that was done.  A dedicated funding stream to finance the capability to capture planting numbers on a statewide, roll-up basis and assist communities to fund tree planting projects on a regularized basis would help.
* Is there are link to citizen stewardship when considering a streamlined volunteer monitoring program?

***Riparian Forest Buffer***

* Page 1, II – many buffers are much less than 100’ in width, it might be relevant to have the table show how many miles at 50’ or 35’ (since CBP accepts 35’).
* Page 1, III - The discrepancy noted is very significant. We know that many of the CREP buffers that are not re-enrolling are remaining in place on the ground – but we have no tracking mechanism. County FSA offices are the only places that currently have the level of detail to indicate how many contracts (and acreage) have come out of CREP and how many new ones have gone in. Without that level of detail, the USDA numbers will become less meaningful over time.
* Page 3, V – another very important issue is that funder (state, private, and USDA) keep funding programs that provide strong incentives for streambank fencing without forest buffers or with very narrow buffers. This makes it significantly more difficult to “sell” forest buffers.
* Page 3, VI :
  + Competing, sub-standard programs are a problem – see above
  + Uncertain whether not having robust easement programs is a big problem. There are a lot of details driving that issue.
  + Not really convinced that lack of targeting is a big problem. We need so many buffers that they’re all important. Targeting can utilize a lot of additional resources for low value (in terms of modeled reductions). There may be a different reality when local impairment issues are also at play.
* Page 4, VII – as noted above, stop funding sub- standard programs and to drive landowner acceptance of forest buffers. The science clearly supports it.
* Page 6, VII - The Task Force Summary is good info.
* Page 9, VIII – revisit the issue in #2 (above). Being able to accurately assess what’s happening in CREP is instrumental in assessing overall progress.
* Page 10, IX - Overall comment – Greatest concern is that the actions that are committed link directly to resources for on the ground actions. Commitments of dollars and staff time are essential to creating accountability.

***Stream Health***

* This whole strategy – more of a concept- doesn’t really look ready for prime time yet.
* Agree with greater focus on local stream health, but there are some shortcomings in the proposed structure and uncertainty about how this overlays with individual state programs for assessing stream health and/or impairment. Does this become a point of confusion or contention?
* Page 1, Baseline issues – Consider that many groups are now looking at most macro-invertebrates at a species level. This level of resolution will enable much better resolution when asking /answering questions about system response/recovery with respect to stressors.
* Page 4, Current Efforts – Concerns about the Stream Functions Pyramid Framework. There is an implication that lower levels drive responses of upper level functions in ways that are problematic
* The definitional questions around what does or should constitute “stream restoration” continue to be problematic. There is very limited data to support many of the assumptions of sediment and nutrient load reduction or “stream health” that are attributed to much of the project work affiliated with channel alterations, bank stabilization and wholesale stream and/or floodplain alteration. Tremendous amounts of funding continue to flow into projects with questionable outcomes.
* Overall, there is probably a lot of science and policy work to be done on definitions, outcomes, and priorities. The Strategy is largely consistent with this – but needs to be clarified that this is a strategy about gaining understanding, not prioritizing implementation at this point.

***Land Conservation***

* Development of any kind needs mitigation through conservation
* All wetlands protections should be in perpetuity (not just a 15 year contract) and not allow resources extraction like fracking.
* Make the distinction concerning water quality for farmland preservation programs for high quality soil types and sloped grassland preservation.
* Develop messages that build off of studies that show the public supports land conservation and that public lands are more valued that developed lands.
* It represents an evaluation of strengths, weaknesses, opportunities and threats. However, much of what is identified is already known and being implemented by the partners to some degree depending on available resources and political will.

***Land Use Metrics- thoughts on Diversity***

* Incorporate environmental justice into the conservation of landscapes to maintain community value since it can be linked to a community’s self-image
* Under Quantifying Impact of Land Conversion- it may be more meaningful to local decision makers if it included public health projections and data analysis. For example, It would be interesting to see aspects of public health (asthma, cancer, etc…) selected as quality metrics to predict human health impacts if a cement batching plants is built.

***Public Access***

* Include Environmental Literacy in the cross-goal collaboration.
* Quality, not just quantity, of access. We believe that improvements are necessary not only in the *number* of access sites, but in the *quality* and variety of shoreline, water-based recreational opportunities offered. We recommend that the strategy set a goal or target of increasing the percentage of Bay watershed shoreline in each state that is publicly accessible for *multiple uses* such as swimming, boating, camping, and fishing.
* Camping Access. We recommend that camping access be added to the types of access that will be tracked toward meeting the current 300-site goal. The strategy notes the strong public demand for camping access along the Bay watershed’s shorelines, but fails to address specific management actions that will be taken to meet those demands, other than further analysis.
* Public waterway access along bridges and roads. Obstructions such as needlessly high guard rails and fences and the lack of safe shoulders or parking areas along the public rights-of-way of most roads and bridges in the watershed present major barriers which limit access to many rivers and streams in the watershed for fishing, kayaking and other non-motorized activities. We recommend that this be added, along with railroads, to the list of key factors limiting access. We also believe more can be done to advance public access along roads and bridges than simply establishing MOUs with transportation departments. We recommend that an inventory of all the bridges crossing navigable and fishable rivers and streams be established to identify bridges and approach roadways where waterway access for fishing, swimming, canoeing and kayaking can be provided reasonably and safely. We recommend that all bridge construction and reconstruction projects currently in the planning and design process be reviewed to ensure that waterway access is incorporated into planned construction or reconstruction, where possible, that such access be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State and that funding under the Transportation Alternatives program of new Federal MAP-21 Act be allocated by the States for this purpose.
* Federal lands: We recommend that Federal agencies with land holdings along the shorelines of the Chesapeake watershed, including the National Park Service, U.S. Fish and Wildlife Service, BLM and Department of Defense be required to develop a plan, schedule and process for enhancing public water- based access at their facilities. We recommend that the Department of Defense clean up contaminated sites such as Poole’s Island and/or identify excess property sites in the Chesapeake which can be transferred to public management entities for improved public access to the Bay’s watershed’s waterways. We recommend that the Army Corps of Engineers explore enhancing public water-based recreation in the Chesapeake watershed associated with its navigation and public works projects.

***Wetlands***

* The Wetlands Management Strategy appears to be in a very early stage of development.  There is some information on the programs, priorities, and activities of Maryland, USDA/NRCS and the Corps, but no mention of the work of others and no indication that the workgroup has suggested priorities for the partnership.
* The “Biennial Workplan” really sounds as if the effort is beginning from scratch.
* This is quite disappointing in light of the lack of progress toward the goals of creating 85,000 acres of wetlands and enhancing 150,000 acres of degraded wetlands. To date, it appears that just over 5,000 acres have been created.
* One opportunity the workgroup could explore is the use of dredged material to create wetlands.  In addition to large scale port deepening projects which may involve millions of cubic yards of potential wetland substrate,  dredged material from smaller marina and channel dredging projects could be beneficially re-used rather than simply side cast.  There is the potential to require re-use as a permit condition.  If dredged material is placed on a gradient, it is possible that wetlands could “retreat” in the face of sea level rise.
* Another significant opportunity may be afforded by surface transportation projects.  Mitigation and stormwater management requirements could be biased toward wetland creation an enhancement.
* The jurisdictions could also encourage the development of wetland mitigation banks on sites which would maximize potential water quality benefits.  Maryland and Virginia would seem to have the greatest potential to create and enhance wetlands in settings which would be useful in nutrient processing, followed by Delaware. Some River wetland restoration in NY, WV and PA is possible.
* Developing jurisdiction-specific goals for restoration and enhancement would be valuable.  It beggars belief that only 9 acres of creation has taken place in Virginia over the last 2 years and 205 acres over 4 years.  One can only hope that this is a reporting error.  Otherwise this lack of progress should certainly be brought to the attention of the Principals and the Executive Council.

***Water Quality***

* While this may be an adequate summary of the TMDL/WIP process, not sure it adds anything at all.  If it doesn’t, what’s the point?  What is the objective of this management strategy as a component of the Agreement?
* Not very optimistic about achieving the extent of implementation of BMPs by nonpoint sources that will be necessary to achieve the TMDL and the water quality improvements the Bay needs.  It would be wonderful to see this strategy explore some ways states and Feds believe that participation could be increased.
* The Water Quality “Strategy” is a 9 page exposition of the Bay TMDL. The States and DC have made a major effort to meet the timeframes in the TMDL and supply the WIPs that EPA has required. The contribution of different categories of pollution sources varies among jurisdictions. Each jurisdiction has been accorded considerable flexibility in choosing the mix of actions by which it will meet the limits specified in the TMDL.
* Since the TMDL derives from a specific Clean Water Act requirement it is understandable that it has been and will be the focus of water quality improvement efforts by EPA and the jurisdictions.  But the TMDL is more of a process framework than a strategy.  Strategic choices have been made by the jurisdictions in the WIPs and EPA has worked with the jurisdictions to clarify and strengthen the WIPs.
* The Management Strategy is primarily about how progress or lack thereof, in meeting two year targets for achieving 2017 and 2025 outcomes will be evaluated and reported.  Progress assessments will look at both implementation commitments and environmental outcomes.  Monitoring of water quality conditions will be conducted and reported annually.   However, because of lag times in seeing the results of implementation actions and uncertainties about the effectiveness of some N, P, and sediment control measures, models will be used to predict environmental outcomes and guide decisions on whether implementation commitments should be adjusted.   The models, in turn, rely on predicted effectiveness values.  It is critical that the public as well as members of the partnership understand how these values are arrived at (recurring themes of transparency and independent evaluation) and have the ability to comment on how much uncertainty may exist.

What are the changes to current "monitoring assessments" that are going to "determine" when the state's standards are achieved?

* What is the process for and how can the public engage in “conduct selected assessments of factors affecting progress towards for restoring water quality, habitat, fish and wildlife, and conserving lands, including the effects of management activities”?
* What actions will the Program take now to prepare the public for the likelihood that there is no way that 60% of the practices will be "in place" to meet water quality goals in 2 years? This is something that should be honestly faced with steps lined out to deal with it -- instead of shifting numbers to make it.

What are the specific steps (and by whom) will the Partnership…“Continually improve the capacity to monitor and assess the effects of management actions being undertaken to implement the Bay TMDL and improve water quality”?

“Use the monitoring results to report annually to the public on progress made in attaining established Bay water quality standards and trends in reducing nutrients and sediment in the watershed” - Can this reporting be done on a river or segment basis so there can be a sense of stewardship developed by the public for protecting "their" special places? And so the Program can begin to evaluate impacts of management practices?

Currently some jurisdictions report that they are meeting their Ag targets, yet the water quality trends for P are declining. How will the Program reconcile this "implementation”? Please refer to the recent report by EIP which uses the NMP and AIR data reported by the farmer to document that a large % of NMP have not been written. Many that have are not being followed. The point being -- progress being reported by the states is over estimated.

* What action is being taken to incorporate an association of water quality standards with 'benefits for the protection of human health’?
* Recent analysis reported by the Public Interest Project documents the terrible lack of staffing at the Conservation District level. Yet TMDL implementation will rely on local action from partners like the Districts. Is there a specific initiative that can be developed to address this problem?
* Factors Influencing Goal and Outcome Attainment- There should be 5 factors -- the first and foremost being Public Understanding that the Program actions are verified and transparent.

Good to see the specific mentions of climate change and population growth

CAC is pleased to hear from the Ag workgroup that the NMP panel process will be adjusted to increase public and expert review.

“Adopting principles to verify that reported practices are, indeed, in place and functioning as designed”- This might be the single most important aspect of the TMDL process. It should receive specific attention in this Management Strategy to explain how it will be implemented.

* “Further quantifying the effect of variations in watershed properties (such as different types of soils) on controls” - Does this include addressing the impact of NMP implementation on P saturated soils?
* The assessment of data inputs, water quality monitoring, modeling, etc… are very complicated but essential elements of the Mid Point Assessment. The ability to include the public in this process is a critical but difficult task given the complexity of the issues. However, if the model inputs allow inappropriate credit to be assigned to a practice, the jurisdiction will meet its WIP commitments on paper - but changes will not follow in the water. Point being - this is worth special attention of a group with technical support. It also must be done with the willingness of the jurisdictions to welcome the additional review - not to fight it.
* “The Bay TMDL is supported by rigorous accountability measures to ensure cleanup commitments are established and met, including short and long-term benchmarks, a tracking and accountability system for jurisdictions activities” Are these independently evaluated or Self-reported?
* “The jurisdictions identified gaps between their current capacity and the capacity they estimate is necessary to fully attain the interim and final nutrient and sediment target loads for each of the 92 drainage areas for impaired segments of the Bay TMDL. Necessary new capacity includes additional incentives, new or enhanced state or local regulatory programs, market-based tools, technical or financial assistance, and new legislative authorities. It also includes capacity from other federal agencies, local governments, the private sector, and/or non-governmental organizations.” It would be helpful to identify these "additional" needs publicly so a campaign can be mounted to gain the necessary political and financial support for them.
* The “Descriptions of efforts currently underway or planned to improve transparent and consistent monitoring, tracking, and reporting and assess the effectiveness of implementation actions are included in the WIPs” are not in sufficient detail to track or assist.
* Is PA the only jurisdiction concerned with “Dramatically increasing enforcement and compliance of state requirements for agriculture.” and “Committing state funding to develop and implement state-of-the-art-technologies for converting animal manure to energy for farms”?
* “The CBP also has a basin wide reporting process for tracking implementation of management practices.” But is it transparent, verifiable and reliable? See comment about EIP/CEAP reports.
* “Produce reports explaining water-quality change and lessons learned from BMPs and water-quality response.” This is important - might relate to the need to develop simple public page made available through CBPO website --- and via Bay Journal and other avenues -- to continue to update this info.
* Summarize or attach a short description of how the BayTAS report process integrates with the public and how it includes independent verification.
* Summarize the current status of the process to improve verification.
* CAC is looking forward to engage in a process of enhanced public involvement in the expert panel process. We request that Roy Hoagland be added to the NMP mailing list
* Re: Assessing Progress- It is difficult to follow what actions are associated with the different points of this section and where is the independent evaluation?
* Re: Assessing Progress- this is the reason that getting the model correct is so important. IF the model says a NMP will reduce 1000 pounds of pollution (but it only reduces 10) -- then the state can report it reduced 100x more pollution than it really is doing -- and EPA will have to say it is meeting its milestones.

It is important for the credibility of the program that there be an ability to demonstrate that there is transparency in the rationale behind modifications and improvements in modeling, monitoring and science.

* Where is the independent verification for showing why the management strategy workplans will be updated based on evaluation?