

April 25, 2014

Dear Principals' Staff Committee Members:

On behalf of the 1 million members represented by the 230 member groups of the Choose Clean Water Coalition and the 200,000 members of the Chesapeake Bay Foundation that represent every state in the watershed, we would like to acknowledge the time and thought that you have invested in creating a new Chesapeake Bay Agreement. The cooperative nature and dialogue between Principals' Staff Committee (PSC) members is worth noting and we believe the recent version of the Bay Agreement has improved in some areas; we are particularly pleased with the addition of a climate resiliency outcome.

We also are writing to express our deep concern with two sections of the current draft agreement. Unfortunately, our concerns are significant enough that we could not publicly support or applaud the Bay Agreement as currently drafted. We are eager to work with you to resolve these concerns and have offered language that we believe will meet our concerns by ensuring transparency and accountability and defining tangible, meaningful outcomes. Below is a brief description of our concerns and suggested language for each of the problematic areas.

Participatory Language:

We recognize the Bay Agreement needs to acknowledge that states will have varying degrees of participation in achieving the outcomes; however, while the draft language does this, it also postpones accountability of the states until the management strategies are completed. A governor or mayor could sign the Agreement and choose to not meaningfully invest in the outcomes. Under the current language, the public would not be aware of this until the management strategies are completed. We believe that the public deserves more transparency about, at a minimum, the intent of their jurisdiction as expressed by their governor/mayor, in meeting the outcomes of the Agreement.

We believe the following amendments will build transparency into the process, while leaving the jurisdictions the necessary flexibility.

This participation may include sharing knowledge, data or information; educating citizens or members; working on future legislation; and developing or implementing programs or practices. Management strategies, which are aimed at implementing outcomes, will identify participating jurisdictions and other stakeholders, including local governments and nonprofit organizations, will be implemented in two-year periods. AT THE EXECUTION OF THIS AGREEMENT, SIGNATORIES SHALL IDENTIFY THE MANAGEMENT STRATEGIES AND OUTCOME IMPLEMENTATION EFFORTS THEY ANTICIPATE THEY WILL PARTICIPATE IN FOR THE FIRST TWO YEARS OF THIS AGREEMENT. The signatories and other partners shall thereafter update and/or modify ~~such commitments~~ ANTICIPATED EFFORTS every two years.

Toxic Contaminants:

We applaud the PSC for including language regarding toxic contaminants and support the Toxic Contaminants Research Outcome. Our concern is with the Toxic Contaminant Policy and Prevention Outcome. This outcome calls for an evaluation of the implementation of existing programs, policies and practices. In short, this outcome calls for a report to be written about what is being done and what needs to be done relative to toxic contaminants. Unfortunately, for the next 10 years, or the life of this agreement, the only tangible outcome is the writing of this report. That is insufficient.

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While we support more research, there is enough current information available about some of the contaminants that reduction actions should be included in the outcome.

The following amendment will ensure some reduction of toxic contaminants takes place under this Agreement.

...and on-PBT contaminants to prevent harm to fish, wildlife, and citizens of the region.
ADDRESS FISH CONSUMPTION ADVISORIES FOR PCBS IN THE CHESAPEAKE WATERSHED BY CAPITALIZING ON AND IMPLEMENTING EXISTING TMDLS FOR PCBS AND ENCOURAGING PRIVATE INDUSTRY, PUBLIC UTILITIES, AND FEDERAL FACILITIES TO VOLUNTARILY REMOVE AND RETROFIT PCB CONTAMINATED EQUIPMENT AND PRODUCTS IN ADVANCE OF REGULATORY REQUIREMENTS.

We have participated in many committee meetings and phone calls in order to construct an effective Bay Agreement that all partners can sign, and we would like to be able to publicly applaud the work and the final document when that occurs. Unfortunately, the document, as drafted, is not something we can support, nonetheless applaud. We do believe our suggested amendments will make the Agreement a stronger and more effective document and it will be a document of which, we can all be proud.

Thank you for considering our comments.

Sincerely,

Kim Coble
Chesapeake Bay Foundation

Jacob Powell
VA Conservation Network

Joy Oakes
National Parks Conservation Association

Brenna Goggin
Delaware Nature Society

Hedrick Belin
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Audubon Naturalist Society

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