

Citizens Advisory Committee TO THE CHESAPEAKE EXECUTIVE COUNCIL



Diverse Voices Unified for the Chesapeake

**2011 REPORT TO THE
CHESAPEAKE EXECUTIVE COUNCIL**

July 11, 2011



Citizens Advisory Committee to the Chesapeake Executive Council

2011 Annual Report of Recommendations

(Issued July 1, 2011)

Introduction

Since the Executive Council's June 3, 2010 meeting the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council (EC) has met in each of the signatory jurisdictions to discuss restoration progress and challenges, Chesapeake Bay Program (CBP) accountability and financing, the TMDL Watershed Implementation Plans (WIPs), water quality nutrient trading and the impacts of Marcellus Shale natural gas drilling on tributary water quality. We have used our website (www.chesapeakecac.org) to enhance communications with the general public. We are pleased to report that we are supporting new activities to enable the public to find, use and share data through the Chesapeake Commons website. Registered users can upload or download data that create maps and graphs of their region depicting information about restoration projects.

CAC believes its role in the Program is to provide advice on areas where the partnership can improve, highlight the partnership's successes and offer a broader citizen perspective of some key issues CAC feels are important. We can provide you with general viewpoints of the stakeholders we represent. We strive to offer the program partnership with meaningful insights and suggestions that can be translated into policy changes or concrete actions. This 2011 annual report of recommendations focuses on topics CAC has discussed at their meetings: **Accountability, Watershed Implementation Plans, and Budgets for Chesapeake watershed programs.**

We wish to recognize the hard work of the Chesapeake Bay Program partners and their willingness to meet with us and provide regular updates. We offer the enclosed recommendations and our availability to brief the Executive Council members or Principals Staff Committee during the course of the year.

Points of Recommendations

ACCOUNTABILITY

CAC was encouraged to see the completion of the Chesapeake Bay Program's first independent evaluation conducted by the National Academy of Science's National Research Council. CAC still believes the CBP should institute a **permanent independent evaluation function** as we recommended three years ago. Accountability, either with the help of independent evaluation or built into programs, requires good practices that help policy makers to strategically target their limited resources toward measurable restoration results. Following the model of the Virginia's Joint Legislative Audit and Review Commission (JLARC) you may wish to consider evaluating different sectors on a reoccurring scheduling cycle. As we have stated in the past, EPA may consider using Clean Water Act 319 grant funds to match state funds for contracting third party verifications and technical support. Verification and level of certainty of BMP performance are crucial issues to this phase of the watershed clean-up, especially as we work toward meeting the TMDL and rely more heavily on water quality nutrient trading.

We are very encouraged to see that EPA is reviewing the states' nutrient credit trading programs. Given that nonpoint source trading is one of the most challenging aspects of trading, we urge

EPA to look closely at credit baselines, trading ratios, protocols for transparent monitoring of state programs as they are components of the state WIPs, as well as the effectiveness of traded BMPs. CAC strongly believes the driving force behind any water trading program should be water quality protection, therefore if the Watershed Implementation Plans continue to rely on trading, then they should be bolstered by strong, effective, and accountable state trading programs. We look forward to hearing back from the EC about specific steps that will be taken to review the trading programs.

WATERSHED IMPLEMENTATION PLANS

The Citizens Advisory Committee has closely followed the development of the Bay TMDL and the Watershed Implementation Plans. The WIPs are a crucial complement to the Bay TMDL in allowing the jurisdictions to use their unique economies, cultures, regulatory authorities, and political structures to demonstrate how they will achieve their non-point source load allocations. We continue to believe the WIPs must be enforceable *and* enforced. We also believe citizen engagement in the WIP process should occur early and often.

The members of the Executive Council have expended a significant amount of effort in the TMDL/WIP process to date. At this point, it appears that the biggest challenges relate to financing and accountability. We urge the EC to **develop transparent reporting** that can ensure that progress reported to the model is actually happening on the ground.

From a cost-benefit perspective, we know that the EC understands that it is inefficient to try to meet TMDL limits primarily by regulating point sources that experience diminishing marginal

returns on pollution abatement. The states must find additional creative means to motivate regulation and voluntary adoption of non-point source pollution programs or there will be a disproportionate amount of regulation of permitted point sources. Additionally, the EC must find creative ways to communicate the critical importance of non-point source pollution control programs to the public to encourage a high level of compliance and voluntary adoption.

The public benefits of healthy local waterways must not be obscured by a focus on the Bay or ineffectual, overly complicated messaging. When we met jointly with the Local Government Advisory Committee (LGAC) in May 2011 we were able to share perspectives on what the WIPs mean to local governments and to citizens. Based on our meeting together, CAC strongly believes that smart, targeted and concise messaging will be critical to the success of local implementation.

FEDERAL BUDGET

We highlight the strong citizen support for a healthy watershed, as well as the importance of restored rivers and Bay ecosystem to our region's economic health. In a time of declining budgets and competing national priorities, CAC acknowledges and commends EPA for keeping Chesapeake Bay Program funding as a priority. We are deeply concerned however that cuts in funding for EPA's national programs such as Clean Water Revolving Fund and cuts to other Federal agencies engaged in Chesapeake restoration activities will undermine the ability of these agencies to carry out their responsibilities under the Chesapeake Bay Executive Order and help the jurisdictions to meet their two-year milestones and the 2025 restoration deadline. We understand that funding cuts to EPA often result in significant cuts to funding that directly passes

down to the states thereby decreasing or eliminating essential state run programs/staff and hindering restoration progress. Agencies like the National Park Service, National Oceanic and Atmospheric Administration, Department of Agriculture, U.S. Fish and Wildlife and the Army Corps of Engineers have all experienced cutbacks in citizen engagement, environmental education, oyster restoration, and agricultural conservation practices. While some of the reductions were congressionally directed, many others were made by internal agency decisions to reallocate spending to other areas. CAC urges the Chesapeake Executive Council to encourage the Administration and the Congress to preserve federal funding for each of these programs which help meet the Executive Order goals and complement the States' work on watershed restoration and implementation.

ISSUE OF CONTINUED CONCERN

CAC remains concerned about the impacts of Marcellus Shale natural gas drilling on water quality and human health. We first raised this as an emerging issue three years ago and since then the number of permits have increased significantly. We acknowledge that drilling and hydro-fracking are now underway in certain areas of the watershed. We hope that natural gas drilling does not result in the legacy of coal mining resulting in 2,000 miles of biologically dead streams in the Bay watershed due to acid mine drainage. We encourage the states to monitor the impacts of old wells for use in developing new regulations and strongly encourage transparency so the public is fully apprised of the impacts. Additionally, we urge the states to strictly enforce drilling permits and maintain well setbacks from streams, wetlands and water supplies including private wells. We look forward to hearing how the States will ensure that water quality is protected for the health of the citizens and living resources.

In conclusion, the Citizens Advisory Committee continues to believe in the mission and goals of the Chesapeake Bay Program. As your citizen advisors we see strong desire for improvement in the health of this national treasure and broad support for Bay watershed restoration. CAC fully supports Executive Council Members as they make the difficult political decisions that will advance the restoration of local waterways and the Chesapeake Bay. A restored Bay watershed represents not only an ecological treasure, but also a key to our regional quality of life.

CITIZENS ADVISORY COMMITTEE BACKGROUND

The Chesapeake Executive Council (EC) established the Citizens Advisory Committee (CAC) in 1984 to provide non-governmental perspective, advice and guidance to the Chesapeake Bay Program with respect to Chesapeake Bay Program policies. CAC is composed of 29 members and 4 Young Delegates representing diverse professional and educational backgrounds, yet all dedicated to improving the health of the Bay.

CAC members constitute 12 gubernatorial appointments from the States of Maryland, Virginia and Pennsylvania; 4 mayoral appointments from the District of Columbia; and 12 At-Large appointments made by the Board of Directors of the Alliance for the Chesapeake Bay. This ensures diversity among CAC membership. Each signatory jurisdiction is responsible for selecting a young individual to be a non-voting CAC Young Delegate and bring a new perspective on Bay issues. The Delegates contribute to CAC deliberations, as well as periodically complete a specific project of their own, focused on a Bay priority.

CAC meets quarterly, traveling around each signatory jurisdiction to address different priorities. CAC submits an Annual Report of recommendations to the Chesapeake Executive Council. CAC engages Chesapeake Bay Program staff, State representatives and staff, technical committees, and numerous stakeholders. CAC has placed priority on monitoring the progress towards achieving the goals of the Chesapeake Bay and rivers restoration effort. The past few years CAC has focused its recommendations in the areas of Water Quality, Accountability, Accelerating Implementation, Living Resources, and Citizen/Community Engagement by actively tracking the progress of the jurisdictions' 2- year milestones, the Bay Total Maximum Daily Load (TMDL) and the development of the Watershed Implementation Plans.

CAC members communicate with their constituencies to increase understanding of the programs and policies to restore and protect the Bay. The membership is broad-based with representatives from agriculture, academia, builders, business, civic groups, conservation, environmental foundations, finance, industry, and law. **CAC's primary purpose is to provide a non-governmental perspective on the Bay restoration effort and the effect Chesapeake Bay Program policies have on people who live and work in the Chesapeake Bay watershed.**

2011 CAC MEMBERSHIP

MARYLAND

Nina Beth Cardin: Rabbi Nina Beth Cardin is the founder and director of the Baltimore Jewish Environmental Network and the Program Chair of the Chesapeake Covenant Community - the interfaith Chesapeake Bay watershed environmental group. She served on the Baltimore County Sustainability Network and was a board member of the Irvine Nature Center. She also serves on the Social Equity and Health & Wellness Task Force of the new Sustainable Certified Maryland initiative.

Andrew Der: Andrew Der is an Associate and Director of Environmental Services at Whitman Requardt & Associates, LLP head office in Baltimore and practiced in the consulting industry since 2001, previously completing 17 years of service at the Maryland Department of the Environment where he left as a manager in the Wetlands and Waterways Program. Mr. Der specializes in water resources regulation and restoration including compliance, permitting, feasibility studies, assessments, stormwater management, erosion and sediment control, wetland regulation, stream/water quality monitoring, watershed restoration, NEPA, NPDES, and TMDL. Mr. Der also teaches seminars, publishes industry-related articles, a member of several industry and citizen advisory committees, and provides expert testimony.

Verna Harrison: Verna serves as the Executive Director of the Keith Campbell Foundation in Annapolis. She retired from the Maryland Department of Natural Resources after serving as Assistant Secretary for 20 years. Verna serves on the Executive Committee of CAC.

Karen McJunkin: Karen is a Regional Partner with Elm Street Development and has been responsible for directing land acquisition and development activities for over 20 years in Anne Arundel County, Charles County, and the Eastern Shore of Maryland. Karen has served as Secretary of the Board of Directors of the Home Builders Association of Maryland and is past President of the Anne Arundel County Chapter of the Association. She has also served on Governor O'Malley's Climate Change Commission and the Governor's Smart Growth Collaborative.

Charlie Stek: Charlie serves as Chairman of the Board of the Chesapeake Conservancy and as Policy Director of the No Child Left Inside Coalition. Previously, he served for 28-years on Capitol Hill primarily as a senior policy advisor and projects director for Senator Paul Sarbanes, advancing Chesapeake Bay and other initiatives.

Charles Sydnor, III: Charles is an attorney with Enterprise Community Partners, a national nonprofit focused on community development, affordable housing and promotes the benefits of green homes and communities.

Nikki Tinsley: Nikki was the Inspector General for the Environmental Protection Agency (EPA) from November 1998 until February 2006, when she retired after 35 years of Federal service. Ms. Tinsley is a Certified Public Accountant. Currently, she provides project management and consulting services to private and public entities; and, she serves as Chair of the Citizens Advisory Committee.

Neil Wilkie: Neil is a former Managing Director of the Davidson Capital Group, LLC. Prior positions since retiring as Vice Chairman of Morgan Guaranty International Bank include serving as Washington Area Managing Partner of Tatum CFO Partners and CEO of Eurotech, Ltd., a DC based public company involved in nuclear waste remediation. Neil now resides in Galesville, MD. Neil served as CAC Chair from 2006-2008 and as Vice-Chair of the Chesapeake Bay Blue Ribbon Finance Panel. Currently he serves as Maryland's Vice-Chair of the Board of Directors of the Alliance for the Chesapeake Bay and on the CAC Executive Committee.

PENNSYLVANIA

William Achor: Bill is employed by York Ag Products Inc. a regional supplier of specialty ingredients and proprietary feed additives to the livestock and poultry industries. Bill has most recently worked as an international Director of Sales and Marketing for Protein Ingredients for Cargill, Inc. to the pet food and aquaculture industries. Bill served as the Vice Chairman of the Nutrient Management Advisory Board and the Chairman of the Alternative Manure Utilization and Treatment Sub-committee. He has served as a Governor's appointee to the Lower Susquehanna Basin Regional Water Resources Committee and the Renewable Agricultural Energy Council.

John Dawes: John is the Administrator for the Foundation for Pennsylvania Watersheds. He served as an alternate Commissioner on Governor Ridge's 21st Century Commission on the Environment and was part of a policy team for the Heinz Endowments Environmental Program. He serves on the Board of POWR – the Pennsylvania Organization for Watersheds and Rivers. John was Chairman of the PA Abandoned Mine Lands Campaign which was successful in getting the industry-supported funds reauthorization in Congress in 2006. John is an Angus breeder on his Huntingdon County farm. John serves as the Vice-Chair of CAC.

Jim Elliott: Jim is an attorney with Spilman Thomas and Battle, PLLC in their Mechanicsburg, PA office. He has over 15 years of experience practicing law with a focus on civil and criminal environmental matters. Jim has served as Chair of CAC from 2008-2010 and on the Bay Program's Budget Steering Committee. He now serves on the Executive Committee of CAC.

C. Victor Funk: C. Victor Funk is a retired Chief of the Nonpoint Source Management Division of the Pennsylvania Department of Environmental Protection. The Chesapeake Bay Executive Council awarded Mr. Funk the "Unsung Hero" award in 1992 for his support to the Bay Program and for promoting cooperation between agencies.

Patricia Levin: Dr. Levin is a Registered Nurse, Folklorist and Genealogist. Pat is currently an Adjunct Professor in American Studies at Franklin & Marshall College. An at-large appointment, she is active in planning and community issues in Lancaster County.

Deborah Nardone: Deborah is the Senior Campaign Representative for Natural Gas for the Sierra Club. Before joining the Sierra Club, she was a Coldwater Resource Specialist for the Pennsylvania Council of Trout Unlimited. She has her Masters in Environmental Pollution Control with an emphasis on Water Quality from Penn State. For over ten years, she has worked in the environmental field in PA under non-profits such as the Chesapeake Bay Foundation and for Resource Conservation and Development Councils. She is a board member and founder of the Juniata Clean Water Partnership.

Betsy Quant: Betsy is the Operations Manager and Accountant for 3 family enterprises: Canoe Susquehanna (offering guided kayak & canoe trips throughout the Susquehanna River & Chesapeake Bay watersheds), Ironwood (providing installation & repair service for residential electrical, plumbing, water treatment, and heating systems), and Voyageur Farm (raising & selling grass-fed lamb and registered Katahdin breeding stock).

VIRGINIA

Nancy L. Alexander: Nancy is a systems analyst specializing in banking institutions. She resides in Chesterfield County. She is a graduate of William & Mary with a BS in Biology. Her volunteer work with Ducks Unlimited and the Chesapeake Bay Foundation keeps her active in wetland conservation.

Delegate John Cosgrove: John A. Cosgrove represents the City of Chesapeake in the 78th House District. Elected in 2001, and now serving his fourth term in the Virginia General Assembly. Representative Cosgrove is also a member of the Chesapeake Bay Commission.

Christy Everett: Christy is the Virginia Director for the Hampton Roads Chesapeake Bay Foundation. Christy oversees CBF volunteer recruitment, restoration, outreach and advocacy programs in Hampton Roads. Prior to joining CBF in 2000, she coordinated the Tributary Team for Maryland's Eastern Shore under the MD Department of Natural Resources.

Rebecca Hanmer: Rebecca is retired from the U.S. EPA where she last served as the Director of the Chesapeake Bay Program. She currently serves on the Board of Directors for the Friends of Rappahannock and lives in Fredericksburg, VA.

Stella Koch: Stella resides in Fairfax County in Great Falls. She is the Virginia Conservation Associate at Audubon Naturalist Society. She is a founding member of the VA Environmental Network, later incorporated into the Coalition for Smart Growth. She serves on the Boards of the Center for Watershed Protection; the Potomac Riverkeeper and on the Environmental Quality Advisory Council to Fairfax County Board.

Joe Maroon: Joe Maroon is an At-Large member who was appointed to CAC in November 2010. He has over 30 years of experience working on Chesapeake Bay matters for state legislative and executive branch agencies and for one of the nation's largest regional conservation organizations. From March 2002 until January 2010, Maroon served as the agency director of the Virginia Department of Conservation and Recreation (DCR) where he oversaw a broad range of programs relating to Chesapeake Bay restoration. Previously, he served for over 16 years as the Virginia Executive Director of the Chesapeake Bay Foundation where he led numerous Bay initiatives and public outreach activities. As a staff member with the Virginia Joint Legislative Audit and Review Commission (JLARC), he led a review of the economic potential and management of Virginia's seafood industry in the early 1980's and was present at the signing of the first Bay Agreement in 1983. He currently operates his own environmental consulting practice (Maroon Consulting LLC) in Midlothian, Virginia and recently served as an adjunct faculty member at VCU where he taught a graduate course in Chesapeake Bay Policy.

DISTRICT OF COLUMBIA

William Martin, Jr.: Appointed by the District of Columbia, Bill is a retired Patent Agent with the US Patent Office. He is a member of the United States Coast Guard Auxiliary. A boat owner, Bill is active in boating, fishing and golf.

Dan Milstein: Dan is a Presidential Management Fellow with the Office of Policy and International Affairs at the US Department of Energy. As part of his rotation, he developed policy proposals on climate change issues under the White House Council of Environmental Quality. He has also worked as a Public Policy Consultant for clients such as the Cal Climate Action Partnership and the Center for International Policy.

Angana Shah: Angana is a development practitioner with extensive experience in Democracy and Governance issues through projects in the field as a USAID contractor and 2 years as a USAID Democracy and Governance fellow. She currently is a legal consultant for the International Finance Corporation/World Bank Group, Investment Climate Advisory Services.

Young Delegate Mentor: **Jess Cadwallender**, Richmond, VA

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