



MARYLAND STATE BUILDERS ASSOCIATION

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The Honorable Governor Martin O'Malley
Chair, Chesapeake Executive Council
100 State Circle
Annapolis, MD 21401

Dear Governor O'Malley:

I am providing comments to the Final Draft Chesapeake Bay Watershed Agreement on behalf of the Maryland State Builders Association (MSBA). MSBA represents over 1,800 members of the residential development and construction industry throughout Maryland.

The development industry has a vested interest in participating in the Chesapeake Bay Clean-up effort, in particular in seeing that the necessary pollution reductions are achieved in the most efficient and economically sound manner possible. The implementation of the Bay TMDL will require significant load reductions across all sectors of land use within the watershed in order to accomplish the mandated targets by 2017. Developers and builders have implemented a number of new environmental regulations aimed at reducing pollution loads associated with new development and in some cases eliminating existing pollution loads from agriculture and older urban areas. Two critical issues facing Maryland specifically are developing and implementing an equitable, robust water quality trading program and identifying potential solutions for loading from the Conowingo Dam. We continue to work with federal and state officials to negotiate new rules for development and construction. However, the non-new development sectors need to play a much more dominant role if the reductions required by this TMDL are to be successfully met.

MSBA urges the Chesapeake Bay Program to establish a Financing Committee tasked with assessing specific costs associated with Watershed Implementation Plan actions and creating a prioritization of actions based on the most efficient use of limited revenue resources. The costs associated with TMDL compliance is staggering and not uniform across the different sectors and land uses. In addition, the Financing Committee should commission a thorough economic assessment of the costs and benefits associated with a clean Chesapeake Bay.

Specific Comments

Vital Habitats

The Wetlands outcome seeks to create or re-establish 85,000 acres of tidal or non-tidal wetlands and enhance the function of 150,000 acres of degraded wetlands by 2025. However, the FY 2011 Progress report states a wetlands restoration goal of 30,000 acres by 2025. It is unclear why the new draft Agreement is increasing the goal by 55,000 acres. Also, the Forest

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Buffer Outcome requires restoration of 900 miles per year of riparian forest buffers and conserves existing buffers until at least 70% of riparian areas are forested. The FY 2012 Action Plan calls for the same number of miles per year of restoration but the goal is a total of 63% forested areas instead of 70%. There is no explanation in the Agreement whether an increase in the baseline is warranted given current progress and the looming 2017 benchmark.

Water Quality

The Healthy Watersheds section establishes a goal of maintaining 100% of state-identified healthy water and watersheds by 2025. It is unclear if this goal will be based on Tier 2 waters as identified by the states or if it will Tier 3 designated waters. While the EPA has mandated the identification of Outstanding National Resource Waters, Maryland has not yet completed or published a designation list.

Land Conservation

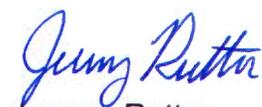
The Protected Lands Outcome goal includes the conservation of 225,000 acres of wetlands and 695,000 acres of forest land by 2025. Although the FY 2012 Action Plan Land Conservation goal includes the forest land conservation goal, there is no mention of a wetlands conservation goal. It is unclear if the conservation of 225,000 acres of wetlands articulated in this goal is encompassed in the wetlands preservation goals outlined in the Vital Habitats section of the Agreement.

Management Strategies

In addition to the development and implementation strategies outlined in this section, the Goal Implementation Teams should be tasked to work on identifying and coordinating implementation goals with revenue availability and prioritize actions based on adequate revenue; and an increased emphasis on land areas owned by and improved by state and federal authorities. The concern we have is that there are potentially significant polluters who have been excluded from the clean-up effort.

Thank you for your consideration of our views. We look forward to our continued participation in the Chesapeake Bay Clean-up effort.

Sincerely,



Jeremy Rutter
President

cc: Nicholas DiPasquale, EPA