



## Citizens Advisory Committee

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January 21, 2021

Matthew Rowe, Assistant Director,  
Water and Science Administration,  
Maryland Department of the Environment

Jill Whitcomb, Director,  
Chesapeake Bay Program Office  
Pennsylvania Department of Environmental Protection  
Sent via email: [CWIP@chesapeakebay.net](mailto:CWIP@chesapeakebay.net)

Dear Co-Chairs of the Conowingo WIP Steering Committee,

On behalf of the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council please accept this letter in response to the call for public comments on the draft Conowingo Watershed Implementation Plan (CWIP). First, thank you to Matt Rowe and Bryan Seipp for your briefing to CAC during our December 2020 quarterly meeting. We acknowledge that the CWIP team has conducted extensive virtual stakeholder engagement on the draft CWIP and greatly appreciate that you set aside time to meet specifically with the CAC. Our comments were developed as a result of CAC meeting discussion, individual reviews of the draft CWIP, and discussion CAC members had within their networks. The key points are grouped by three categories: funding, feasibility, and sediment.

### **Funding**

The most prevalent comment the CAC members have raised is the concern that the goals of CWIP will be challenging to meet given the lack of adequate funding and the uncertainty of the financing strategy. The *annual* minimum expense of \$53 million necessary to implement the plan presents a significant gap in current funding resources. The draft CWIP references utilizing existing funding streams which are currently insufficient to cover the jurisdictions' Phase III WIPs. Additionally, it is very likely that this annual cost will increase over time as the effects of climate change bring more frequent and more extreme precipitation to our region. As CAC has stated before, the pending settlement between Exelon and Maryland on the relicensing of the Conowingo Dam represents a missed opportunity for significant funding to implement the CWIP and critically impacts the achievability of the overall Bay TMDL. Should this pending settlement be withdrawn and renegotiated, baseline funding could be provided to leverage other options. This would relieve the burden that has been shifted from the richest utility in America to the Bay watershed states and ratepayers. On its own, the CWIP is incomplete without a clear and committed funding strategy.



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## **Feasibility**

We understand that the Bay TMDL did not originally include the impacts of the Conowingo Dam and expected to see an increase in the pollution allocations associated with it once the Bay Program's understanding of the science and modeling became more refined. We agree that approaching the additional pollution reduction should be based on the most effective basins and applaud the scientists and modelers on their work to develop this approach.

However, it is important to recognize that most Bay states, including the Susquehanna watersheds in New York, Pennsylvania and Maryland, are not on track to meet the TMDL 2025 deadline. Many of the priority watersheds in the CWIP are the same as those identified in the jurisdictions' Phase III WIPs. In many of these areas there has already been considerable focus working with the finite number of landowners to help them apply the finite number of appropriate Best Management Practices (BMPs). As a result, the Susquehanna watershed now has two WIPs vying for the same available practices which creates unintended competition for financial and technical resources that are already too scarce.

In addition to needing new financial resources, new additional technical resources are essential to meet the demands of the CWIP. For example, third-party and other non-federal service providers need assistance to accelerate implementation of federal dollars, as well as potential reporting and certification of BMPs. Given the challenges stated above about funding and feasibility, it is difficult to see how the CWIP demonstrates "reasonable assurance" required by EPA for the Bay TMDL implementation plans.

## **Sediment**

Since 2007 the CAC has been recommending action to the leadership of the Chesapeake Bay Program to address the problem of sediment behind the Conowingo Dam. It is our understanding that the sediment's impact downstream underpinned the urgency to address what Bay scientists call the Dam's "dynamic equilibrium." Since the Dam can no longer trap sediment and must release it downstream during heavy rain events, barring no other option like a large-scale beneficial reuse for dredge material, the sediment will continue to flow downstream and bring with it the phosphorus that binds to it.

While the CWIP focuses pollution prevention upstream in the most effective basins, the lack of funding, the duplication with PA WIP implementation, and the feasibility of delivering these practices onto available lands beyond the Phase III WIP requirements, strongly suggests to us that the sediment scouring will continue with regularity well into the foreseeable future. This is why the CAC is concerned that sediment is not sufficiently addressed in the CWIP.

From a citizen perspective, the sediment's downstream shore debris and damage to water quality, underwater grasses, fisheries, and public recreational uses should not be ignored, because these are immediate, negative impacts to communities. The jurisdictions' Phase III WIPs attempt to incorporate practices that generate co-benefits. We believe mitigating the degraded environmental experience and local economic impacts of residents downstream is a critical co-benefit that the final CWIP should address.

Thank you for the opportunity to review and comment on the draft Conowingo Watershed Implementation Plan. We look forward to learning how the Conowingo Financing Strategy will support the CWIP and how the CWIP Steering Committee will address these and other public comments as the next draft is presented to the Principals' Staff Committee.

Sincerely,



Julie Patton Lawson  
Chair, Citizens Advisory Committee

cc: Dana Aunkst, Director, EPA Chesapeake Bay Program  
Bill Jenkins, Acting Deputy Director, EPA Chesapeake Bay Program