

DRAFT

Summary and Response to Public Comments on the Draft Conowingo Implementation Plan (CWIP)

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February 10, 2021

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Summary and Response to Public Comments on the
Draft Conowingo Implementation Plan (CWIP)

Contents

Overview.....	3
Outreach Webinars.....	3
Comment Categorization.....	3
Comments and Responses.....	4
Bay Model.....	5
BMP Type.....	9
Exelon.....	58
Financing.....	60
Geography.....	81
Implementation Capacity.....	89
Implementation Programs.....	110
Outreach & Education.....	114
Timeline.....	121
Tracking & Reporting.....	125
Other.....	130

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R
A
F
T

Overview

In total, we received 239 unique comments on the draft Conowingo Implementation Plan (CWIP) from 33 individuals/entities during the public comment period. The public comment period lasted 90 days, from October 14, 2020 to January 21, 2021.

- 159 comments (67%) were written comments formally submitted to the CWIP@chesapeakebay.net email address.
- 80 comments (33%) were comments informally submitted via the Chat Box in outreach webinars.

Comments were received from the following organizations within the below categories:

- State government agencies
- Local government agencies
- Groups, associations, clubs, organizations, and other organized entities
- Individuals without an affiliated organization

It is important to note that as of February 10, 2021, no comments have been received from U.S. EPA. As such, this document is a draft and will be revised and finalized upon receipt of and response to comments from U.S. EPA.

Outreach Webinars

The team held 17 outreach webinars to provide key stakeholders with an opportunity to ask questions and provide feedback on the draft CWIP. The table below provides a summary of the outreach webinars.

Webinar Date	Outreach Target for Webinar
November 18, 2020	Cecil County, Maryland
November 19, 2020	Bedford County, Pennsylvania
November 20, 2020	Harford County, Maryland
November 20, 2020	York County, Pennsylvania
November 24, 2020	Chesapeake Bay watershed
November 30, 2020	New York
November 30, 2020	Pennsylvania Agricultural Advisory Board/Nutrient Management Advisory Board (AAB/NMAB)
December 1, 2020	Baltimore County, Maryland
December 7, 2020	Centre County, Pennsylvania Cumberland County, Pennsylvania
December 8, 2020	Maryland
December 10, 2020	Franklin County, Pennsylvania Adams County, Pennsylvania
December 14, 2020	Pennsylvania
January 6, 2021	Pennsylvania Agricultural Community
January 7, 2021	New York
January 13, 2021	Maryland
January 13, 2021	Lancaster County, Pennsylvania
January 15, 2021	Lebanon County, Pennsylvania

Comment Categorization

Comments and questions were imported into a tracking spreadsheet with fields for categorization. Upon entry, both comments and questions were assigned a unique identifier and all logistical details

(like the name, affiliation, and contact information of the submitter) were recorded. Questions were addressed at the time they were received, whether by email or via webinar, and were omitted from the comments. Comments were then copy-edited (both the original and edited versions were kept in the spreadsheet) and categorized as follows:

Field Name	Question Version of Field	Field Type	Options
Topic Area(s)	Which of the following topic area(s) does this comment address?	Checkboxes (allows multiple selections)	Bay Model BMP Type Exelon Financing Geography Implementation Capacity Implementation Programs Outreach & Education Timeline Tracking & Reporting Other
Source Sector	Does this comment address concerns that are specific to a source sector?	Checkboxes (allows multiple selections)	Agriculture Urban/Developed Natural Other/Not Specified
Comment or Question	Does this submission include a comment, question, or both?	Checkboxes (allows multiple selections)	Comment Question
Comment Jurisdiction	Does this comment address concerns that are specific to a certain jurisdiction?	Checkboxes (allows multiple selections)	Delaware District of Columbia Maryland New York Pennsylvania Virginia Chesapeake Bay Not Specified
Comment Affiliation	What organization was this comment submitted on behalf of or in association with?	Open-ended	N/A

Comments and Responses

This section summarizes the substantive issues raised by the public's comments and our team's response to them.

Bay Model

Comments received under the topic Bay Model are listed below with their responses. Primarily, the comments were focused on the need to address sediment load in the draft CWIP, particularly in relation to climate change, and developing more accurate costs for the BMPs proposed.

The CIT anticipates revision to the CWIP based on information provided by the Bay Program to account for climate change in future year models. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
265	<p>The existing burden that the Draft C-WIP would place on Pennsylvania is further aggravated by two other recent actions by the Chesapeake Bay Partnership, both of which have the practical effect of increasing the amount of nitrogen reduction that Pennsylvania will be responsible to attain under the goals established for Pennsylvania in EPA's Bay Watershed TMDL. The Partnership's recent adoption of modifications under CAST-19 will have the effect of increasing the nitrogen reduction obligation of Pennsylvania's agricultural sector by 1.8 million pounds. And proportionate state allocations of nitrogen reduction offsets in response to estimated effects of climate change recently approved by the Partnership will increase Pennsylvania's obligation for nitrogen reduction by another 1.9 million pounds. As with the Draft C-WIPs reported numbers, the estimates of Pennsylvania's additional nitrogen pollution reduction obligations identified in the previous paragraph reflect what needs to be achieved at "edge of tide." Assuming the same ratio for attainment of "edge of tide" reductions as that estimated under the Draft C-WIP, Pennsylvania and Pennsylvania's agriculture sector will need to perform at-home conservation measures that reduce nitrogen runoff by 2.64 million pounds and 2.79 million pounds respectively to meet the additional obligations resulting from these two actions.</p>	<p>It is correct that the difference between Edge of Tide and Edge of Stream reductions can be quite large. For the CWIP plan, the Edge of Tide Reduction for Pennsylvania's agricultural sector is 5.7 Million pounds per year, which is equivalent to 8.5 Million pounds per year of Edge of Stream reduction. While the bulk of the BMPs are implemented in Pennsylvania, the goal is to develop a financing strategy that spreads the costs across the Chesapeake Bay Watershed.</p>

Comment ID	Comment	CIT Response
274	<p>3. Climate -- Most Bay states are not on track to meet the TMDL timeline. At the same time, the Northeast, including the Chesapeake Bay region, is experiencing increases in the average annual temperature, amount of precipitation, and amount of extreme precipitation events, and these trends are expected to continue and strengthen in the coming years due to climate change (See NOAA Technical Report 142-9). The impacts of climate change are already impacting the situation at the Conowingo Dam, as precipitation events and resulting scouring continue to increase in intensity and frequency. Climate change has also added an additional pollutant load that all states now need to add into their Phase III WIPs.</p> <p>As there will likely be no source of funding for the CWIP, the nitrogen, phosphorus, and sediment loads at the Conowingo Dam will need to be allocated among the other jurisdictions, stacking yet another load on top of their current gaps, their Phase III requirements, and the climate loads. Given that the Phase III climate allocations have already been released for the other WIPs, our recommendation is that climate change impacts be incorporated as part of the CWIP allocations. This will allow the jurisdictions to truly assess their load reduction goals and how wide their reduction gaps are.</p>	<p>During the development of the Conowingo WIP, the plan development team was informed that the Chesapeake Bay Program would be providing them with updated load reductions related to climate change. This information was not available at the time the draft plan was released, but will be incorporated into future plan updates and/or through the Milestone Planning process once they are provided.</p>

Comment ID	Comment	CIT Response
333	<p>1) Flawed Cost Projections. Our primary concerns regard the analysis that produced the Primary Strategy selected in the CWIP, which we believe relies on an overreliance on flawed cost projections. As we followed and reviewed the PSC's deliberations on the various strategies, we note that the bulk of the discussion and decision-making is centered around cost – specifically the total annual cost of reducing 6 million pounds of Nitrogen and thus the expected cost-per-pound. In fact, the selected Primary Strategy has the lowest anticipated annual cost of \$53 million, or \$8 per pound. Our experience competing in nutrient markets leads us to believe the estimated per-pound costs for the Primary Strategy of \$8 are overly optimistic and likely unachievable at the scale required for successful CWIP implementation. We believe the selection of this scenario based on this cost estimate would expose jurisdictions to substantial future price risk when total project lifecycle costs are incurred.</p> <p>These cost estimates were generated by the Chesapeake Assessment Scenario Tool (CAST), a macro-level tool providing essential nutrient load reduction data but an inexact tool for calculating on-the-ground costs for the lifespan of practices. Under CAST, annualized costs do not necessarily provide an accurate estimation of what overall restoration costs will be for each scenario, including long-term operations & maintenance (O&M). This is because accurately estimating long-term total project costs requires a present value calculation, which in turn requires an end date. For those strategies that heavily incorporate annual practices, annual costs extend essentially in perpetuity. This inexact cost model undermines the reliability of the much-relied-upon cost estimates of the Primary Strategy.</p>	<p>The annual cost estimates in CAST are derived from literature values of each practice's Capital, Operation and Maintenance and Opportunity Costs, and the Annual practices, using a Present Value equation. With the exception of Core Nitrogen Reduction, most annual practices are estimated using a Lifespan of 1 year, while annual cost estimates for structural or "Cumulative" practices typically have a lifespan ranging from 10 to 40 years. In general, the annual costs associated with the Annual practices in the CWIP are much lower than those associated with Structural practices, and these annual practices have higher O&M costs, but lower Capital and Opportunity costs.</p>
409	<p>Follow-on - the Draft Plan refers to the sediment behind the dam being in equilibrium, with occasional pulses from storm scouring - and the plan is silent on Sediment load.</p>	<p>The Chesapeake Bay Partnership set targets for the CWIP, which included 0.26 Million pounds per year of Phosphorus and 6 Million Pounds per Year of Nitrogen. These load reductions are an estimate of what is</p>

Comment ID	Comment	CIT Response
		needed to meet the Chesapeake TMDL goals after the WIP III plans are implemented, and accounting for infill of the Conowingo Dam. Although the effectiveness of the dam is primarily associated with its sediment storage, no sediment target was set because the Chesapeake Bay sediment targets are being met without implementing additional BMPs.

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BMP Type

Comments received under the topic BMP Type are listed below with their responses. Primarily, the comments were focused on dredging, cover crops, and the need to address sediment load in the draft CWIP.

The CIT anticipates revision to the CWIP based on information provided by the Bay Program to account for sediment load in the Final CWIP document. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
3	One possible action that could potentially reduce nitrogen in the bay is to restrict lawn fertilizer sales and use in bay states. Lawn fertilizer use appears to have little if any regulation and homeowners don't seem to have a clue regarding the damage it does to the Bay.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
5	It would be a very simple way to clean the sediment phosphorus and nitrogen from behind the damn how you would have to do is pump water coming into the damn around the damn for 30 days and then clean up the sediment with suction hoses like they do in the ocean to collect things from the bottom of the ocean suck out all the sediment nitrogen and phosphorus let it dry and sell it back to the farmers sounds like a good idea.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
6	In order for the bay to be cleaned up, two things must happen at the same time. They are; 1. dredge the area above the dam ; this must be an on-going process 2. enforce the Pennsylvania run-off situation. Also, it is important for any program to succeed it has be far distant from politicians.	Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAp.aspx While the draft CWIP does model 95% of the load reduction coming from Pennsylvania, the CWIP is considered a partnership approach to reducing pollutant loading and does not include enforcement actions at this

Comment ID	Comment	CIT Response
		<p>time. However, should periodic evaluations of CWIP progress find that load reductions are off track from meeting targets, the EPA could implement the contingency plan, including assigning load reductions back to the jurisdictions which may then choose to pursue enforcement.</p>
9	<p>Ag land stream restoration would likely be another cost-effective BMP tool to reduce nitrogen using the new expert panel stream restoration protocol 2 methods and design strategies.</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>
31	<p>Please consider looking at MDA cover crop program and adding more incentives for participating. This is an effective nutrient management tool to reduce nutrients from crop land.</p>	<p>Nutrient reductions achieved through the MDA cover crop program have been accounted for in Maryland's Phase 3 Chesapeake Bay Watershed Implementation Plan (Phase 3 WIP). Therefore, the CWIP Steering Committee agreed to exclude cover cropping from the CWIP, as the CWIP is charged with finding additional load reduction opportunities, exceeding planned reductions in the jurisdictions' Phase 3 WIPs.</p>
45	<p>The draft Conowingo Dam Watershed Implementation Plan (WIP) is badly flawed. It does not present a route to safely dispose of the sediment which has accumulated behind the dam. the increase likelihood of more extreme storms due to climate change is not addressed.</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
	The WIP needs significant revision to adequately address the environmental damage that Conowingo will otherwise cause.	
52	Soil and Water Conservation Plans acres seems low too	Soil and Water Conservation Plans are a highly effective practice, but their use was somewhat restricted for the CWIP plan because they were widely implemented as a part of the WIP III effort. After WIP III plans are implemented, relatively little land is available to implement additional Soil and Water Conservation Plans.
99	Page 42 "Dredging": This practice, together with sediment reuse, should be given higher priority to get approved as a creditable practice. Both will likely be a necessary part of this collective effort to meet reductions. Over the long term, if PA does its job, the amount of sediment reaching the facility should lessen. However, more capacity behind the dam should be created, which would likewise remove extra nutrients/pollutants from the river. The big factor of course is the cost and how to handle the sediment.	Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx
105	Identifying in-water practices to further explore is commended. Perhaps, the CWIP would be the optimal vehicle to implement such practices. This could be true independence from other plans/efforts.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
121	Because dredging could potentially have a profound effect on the reduction of nutrient loads within the CBay and the areas in question, we strongly encourage the CWIP Steering Committee to delay proceeding with the watershed reduction basis as a path forward for reducing nutrient loadings. The conclusions of the dredging study may include dredging of the Conowingo Dam as a viable BMP.	Comment Acknowledged

Comment ID	Comment	CIT Response
139	<p>I just attended the Jan 13 CWIP meeting and am submitted this comment as a result. As a member of the land conservation community, we would very much like to see the incorporation of land use planning BMPs. I understand the difficulty in modeling land use conversions; however, this should not be a reason to exclude these important BMPs. Our landscape is not static and we are experiencing conversion of agricultural and forested lands which will increase the pollutant load. From numerous prior meetings, I understand that the CBP recognizes this and is making strides in modelling these land use change scenarios. Especially when looking at a horizon beyond 2025, BMPs to control land conversation must be incorporated into the CWIP. Accordingly, I urge you to find ways to acknowledge the important role of land conservation and related land use planning BMPs in the CWIP.</p>	<p>The BMPs included in the primary CWIP were chosen based on CBP approved nitrogen reduction efficiencies and modeled cost-effectiveness. However, the proposed performance-based contracting through the financing strategy would allow for the funding and implementation of alternative and innovative BMPs including land use conversion under the CWIP.</p>
143	<p>The list of conservation BMPs recommended is also reflective of good science. We know that soil loss is a major vector for nutrient loading, and practices that reduce soil loss - especially no-till and cover crops - are a relatively inexpensive means of keeping soil in place and out of streams. Currently available funding will need to be expanded to ensure this funding is available to farmers who need it. Apart from the REAP state tax credits, there is very little identified state-level funding for these practices in Pennsylvania. Federal funding exists through the series of NRCS programs like EQIP for soil health improvement, but is rarely a top priority for these funds. A recent study published in the Journal Frontiers in Sustainable Food Systems (https://civileats.com/2021/01/12/why-arent-usda-conservation-programs-paying-farmers-more-to-improve-their-soil/?utm_source=Verified+CE+list&utm_campaign=53e9cb57da-EMAIL_CAMP AIGN_7_3_2018_8_13_COPY_01&utm_medium=email&utm_term=0_aae5e4a315-53e9cb57da-294311553) found that less than 1%</p>	<p>The Steering Committee aimed to select BMPs that are cost effective with a preference on keeping farmland in production as much as possible. Funding made available through the CWIP aims to fill gaps in existing funding programs to implement priority BMPs, so input from stakeholders on these funding and resource gaps is essential to strengthening the financing and implementation plan.</p>

Comment ID	Comment	CIT Response
	of EQIP funding currently goes toward soil health improvement, one of the founding purposes of the program.	
144	Noticeably absent from the list of BMPs is organic farming and pasturing livestock, two suites of practices with well-established records of improving soil health. These should be included.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
145	The inclusion of tree planting generally, and urban tree planting specifically, is currently focused on urban areas only and should be expanded to include agricultural areas - the focus of the C-WIP itself. There are many opportunities to plant windbreaks, hedgerows, riparian forest buffers, and other agroforestry practices on farms, currently supported by NRCS funding, and these practices have a growing cadre of technical assistance practitioners active in Pennsylvania to show farmers how to best design and adopt these measures. Planting trees in urban communities can help slow the flow of urban stormwater, but does little to address agricultural runoff unless they are planted on farms and along streams where the agricultural runoff is located. New programs like Pennvest and DCNR's multifunctional riparian buffer program recognize that farmers are loath to give up productive ground, but that berry and nut trees provide an added income stream that can finesse the loss of a few rows of cropland. The rapid expansion and adoption of silvopasture in the Commonwealth reflects this willingness to adopt trees within farmlands.	While the BMPs selected for the primary CWIP scenario do include targets for riparian forest buffer implementation in agricultural areas, the Steering Committee expressed concern about setting targets high for practices that take farmland out of production. As the Steering Committee reviews comments from the public, stakeholder input on new programs and interest from local farming communities in these types of practices will be considered.

Comment ID	Comment	CIT Response
169	<p>Cover Crop as a BMP can be promoted and implemented using current farm programs by giving crop insurance premiums to farmers planting Cover Crops. The risk to the watershed and to the farmer is farmland without Cover Crops. This type of program is currently being done by the Iowa and Illinois Department of agriculture and the USDA Risk Management Agency.</p> <p>Organizational structure is in place to administer this program. Cover Crop research and public support is available for the benefits keeping the soil covered, preventing erosion, locking nutrients into a living plant preventing sediment and nutrient movement, increasing moisture infiltration, increase drought tolerance and holding capacity, etc. The goal to maximize cover crops is to plant as early as possible and control as late as possible. The ultimate is Interseeding planting which plants the covers while there is a cash crop in the field. Planting green is the practice of planting your cash crop in standing cover crops. The use of these two cultural practices achieves no till and maximizes the mulch covering the ground. Much like when a person would mulch their flower gardens. This would magnifying current programs with a more long term benefit to the community and not using local dollars.</p>	<p>In developing the CWIP strategy, the team worked with the Steering Committee, which included representatives from each of the Chesapeake Bay jurisdictions, to identify the most cost-effective practices in terms of nitrogen removal, and that were effective throughout the CWIP geography. Cover crops were considered but ultimately not included due to the difficulty of applying them effectively in the Susquehanna watershed, for the purposes of developing the plan. That being said, the strategy is not meant to be prescriptive or eliminate specific practices. During the implementation phase, there will be room for innovation or alternative practices, which could include cover crops.</p>
170	<p>Invasive plants need to be eradicated from these sites of the living shorelines and forest efforts. It would be important to have a surrounding buffer removing invasives in these areas since these propagate very aggressively. It is important to be planting natives in these sites to out compete these invasives.</p>	<p>Comment Acknowledged</p>
171	<p>Consider and plan for areas that spoils from dredging can be utilized as part of the planning process. (living Shorelines, other projects)</p>	<p>Comment Acknowledged</p>
181	<p>Specific Comment 2: Table 2 should include the pollution reductions associated with implementation of different practices. We support investment in structural practices as well as the conversion to rotational grazing and have a less favorable view about relying on annual practices. Providing information about</p>	<p>Annual practices were included in the plan to allow a variety of nutrient-reducing BMPs that agricultural operators could choose from and to address concerns about the loss</p>

Comment ID	Comment	CIT Response
	<p>the importance of the different BMPs, in terms of expected pollution reductions, will help give context to which BMPs are the most important, and potentially, most cost-effective, especially when co-benefits are considered.</p>	<p>of viable agricultural land due to conversion to a permanent practice.</p>
183	<p>Specific Comment 4: Current information does not support dredging as a viable pollution reduction option. The Lower Susquehanna River Watershed Assessment (LSRWA) study included a comprehensive evaluation of the movement of sediment and associated nutrients through the series of dams in the lower Susquehanna river, including the Conowingo, the consideration of strategies for sediment management, and assessments of the cumulative impacts of future conditions and sediment management strategies on the upper Chesapeake Bay ecosystem.</p> <p>(https://dnr.maryland.gov/waters/bay/Pages/LSRWA/Final-Report.aspx) The study also included an evaluation of the costs of the various sediment management strategies. The cost of dredging to remove an amount of sediment that is estimated to be slightly more than what deposits and is temporarily stored behind the Conowingo dam on an annual basis would cost \$16 to \$89 per cubic yard, or \$48 to \$267 million annually. The study concluded that focusing on upstream measures was far more cost-effective than those focused on dredging. We are not aware of any new information that would alter this conclusion.</p>	<p>The Maryland Department of the Environment is currently conducting a study of the potential to dredge behind the Conowingo Dam. Once completed, the resulting data, along with other studies and resources, will allow for a re-evaluation of dredging's potential. As of right now, dredging is not an approved Chesapeake Bay Program (CBP) BMP.</p>

Comment ID	Comment	CIT Response
184	<p>Specific Comment 5: Mussel restoration should be explored as a potential future pollution reduction option. The Conowingo Dam has had significant implications for aquatic life of the Chesapeake Bay Watershed, particularly anadromous fish and freshwater mussels which rely upon these species for reproduction. Freshwater mussels have faced steep declines which has implications for nutrient cycling and has likely resulted in decreased ecosystem services. Several recent studies (CWP addition: sources are cited in original comment PDF) have demonstrated that freshwater mussels have the capacity to enhance denitrification and because mussel habitat is generally considered ubiquitous across freshwater, these effects are not trivial. The construction of the Conowingo Dam damaged the Bay watershed's natural nutrient buffering capacity. Fortunately, mussel propagation has made significant recent advances, and mussel restoration may eventually serve as a nutrient control technology once the appropriate crediting has been resolved.</p>	<p>BMPs such as mussel restoration are not an approved Chesapeake Bay Program (CBP) BMP. If approved by the CBP, it may be considered during future plan updates and the Milestone Planning process.</p>
191	<p>The Plan largely ignores the potential for soil health restoration to play a major role in reducing excess nutrients and sediment. This year, 15 organizations joined together to form the Pennsylvania Soil Health Coalition (www.pasoilhealth.org) to promote agricultural best management practices that improve soil health. The Coalition is under the direction of the Stroud Water Research Center with support from a National Fish & Wildlife Foundation Innovative Nutrient & Sediment Reduction Grant, and could help achieve the Plan's goals.</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>

Comment ID	Comment	CIT Response
193	<p>The implementation plan supports restoration efforts in three core areas: Natural Filters (wetland restoration and riparian forest buffers), Sustainable Farm Practices (prescribed grazing and conservation tillage), Nutrient Reduction Practices (nutrient management and manure incorporation). Based on the 2017 Census of Agriculture, in the 11 counties that make up the bulk of the Lower Susquehanna watershed (Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Northumberland, Perry, Snyder, and York Counties in Pennsylvania and Harford County in Maryland) farmers reported using no-till on 78% of the cropland where they reported tillage, conservation tillage on 18% of their acres, and intensive tillage on just 7% of acres. Out of over 950,000 acres of cropland in the lower Susquehanna for which farmers reported tillage practices, intensive tillage was used on just 66,700 acres -- no till or conservation tillage was used on the rest. Yet the draft Conowingo WIP targets include implementing conservation tillage on 216,000 acres of land, and high residue or low residue tillage on another 58,000 acres (we are not clear how those differ from conservation tillage). It is not clear there are enough acres not already practicing no till or conservation tillage to meet the goal. In contrast, just one-third of the acres of cropland in the Lower Susquehanna counties used cover crops in 2017, so there is plenty of opportunity to increase the acres of cropland planted to cover crops. We advocate that there be specific inclusion for cover crops, diverse crop rotations, and suites of soil health practices under Sustainable Farm Practices. The only mention of cover crops is under the New York programs on page 20. While these practices involve upfront investment, they provide much more significant sediment and associated nutrient reductions than conservation tillage and nutrient management alone, and they can provide financial returns to farmers that will help justify investment by farmers and farmland owners.</p>	<p>In developing the CWIP strategy, the team worked with the Steering Committee, which included representatives from each of the Chesapeake Bay jurisdictions, to identify the most cost-effective practices in terms of nitrogen removal, and that were effective throughout the CWIP geography. Cover crops were considered but ultimately not included due to the difficulty of applying them effectively in the Susquehanna watershed, for the purposes of developing the plan. That being said, the strategy is not meant to be prescriptive or eliminate specific practices. During the implementation phase, there will be room for innovation or alternative practices, which could include cover crops.</p>

Comment ID	Comment	CIT Response
206	No need to answer this but as a follow up, as a member of the land conservation community, we would to see the incorporation of land use planning BMPs in the future. Thanks! Will send in that comment.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
221	BMPs in the Primary CWIP Strategy: The CWIP duplicates the over reliance on landscape BMPs contained in the jurisdiction WIPs. Many of these BMPs fail to meet the intent of the PSC's directive due to uncertain efficiencies, lack of measurement, vulnerability to the effects of climate change and short (annual) duration. In addition to these investment risk factors many of the BMPs do not satisfy the financing criteria for efficiency, scale and long-term. Data-driven or monitored MTTs systems (approved BMP MTT-19) should be included in the list of Tier 1 BMPs. These systems incorporate proven technologies, eliminate pollutants at the source with high efficiency, can achieve large scale when integrated with CAFO/AFOs and are long-term (up to 30 years). They can be engineered to resist the effects of climate change, produce renewable energy and recycle nutrient and mineral byproducts. Revenues from energy and other products reduce nutrient pollutant prevention costs. Measured nutrient reductions can be verified and tracked with minimal administration and transaction costs.	The CWIP Steering Committee will review stakeholder input collected during the draft CWIP public comment period to consider adjusting BMP types and targets included in the primary CWIP scenario. I need to do some more research on manure treatment technologies--not sure how this differs from manure incorporation (which is a priority CWIP BMP) and manure injection (which was considered in other scenarios, but I'm not sure why it wasn't in the final scenario).
223	Core Restoration Efforts, p29: MTT pollution elimination should be recognized as a 4th core area.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
224	The design criteria and construction specifications for the best management practices (BMPs) that Maryland Department of Agriculture (MDA) & HSCD promotes were derived from and approved by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). Presently, through MDA and NRCS cost-share programs, farmers are able to implement those cost-sharable BMPs throughout Harford County. Any new BMP will need to be approved by	The BMPs identified for use in the Conowingo WIP are/will only be Chesapeake Bay Program (CBP) approved practices.

Comment ID	Comment	CIT Response
	<p>NRCS and recognized by MDA to enable us to incorporate into our conservation planning and technical design work. If the CWIP intends to promote new and innovative BMPs, we will need to have the approval and support from NRCS and MDA as well as a cost-share program to help relieve the cost burden for the farming community.</p>	
230	<p>Renewed Sediment Trapping Capacity -- Paragraph 1: We feel it is important to clarify at the start, not only in these comments, but in the draft CWIP itself, that the reason the CWIP is needed at all is because the root cause of the problem – long-term accumulation of sediment behind the Conowingo Dam and the resultant loss of sediment and nutrient trapping capacity in the Reservoir – is not being addressed. Removal of accumulated sediment would renew the trapping capacity of the dam reservoir that has been relied upon for its water quality benefits since its construction in 1928. Paragraph 2: Implementation of additional upstream land-based nutrient and sediment reduction practices, as proposed in the CWIP, certainly have the ability to generate downstream water quality benefits. However, those practices are currently under consideration only because renewal of the lost sediment trapping capacity is currently not under consideration. Paragraph 3: With that principle in mind, we recommend that rejuvenating sediment trapping capacity, via removal of accumulated sediment, should be the primary focus for addressing the water quality impacts resulting from Conowingo Reservoir sediment infill, with implementation of on-the-ground nutrient and sediment reduction practices, as envisioned in the CWIP, being the contingency plan in the event that trapping capacity cannot be restored. It is also feasible that implementation of such practices could occur, to some degree, simultaneously with enhancing trapping capacity. Paragraph 4: The draft CWIP specifically states on p. 2 that “a central focus of the CWIP is to promote flexible, costeffective, and innovative</p>	<p>Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p> <p>The BMPs identified for use in the Conowingo WIP are/will only be Chesapeake Bay Program (CBP) approved practices.</p>

Comment ID	Comment	CIT Response
	<p>approaches to address both CWIP load reductions and financing needs." Conowingo Systems respectfully submits that the most cost-effective and innovative approach to achieving the needed nutrient load reductions and financing them involves: 1) renewal of sediment trapping capacity, 2) financing enhanced trapping capacity through investment of private funds, a combination of funding sources, or potentially the formation of a public-private partnership, and 3) allocating the resulting load reductions, and the cost-responsibility of the pollutant reductions, through existing water quality markets.</p>	
235	<p>2) BMPs selected in CWIP. To achieve additional nutrient reductions highlighted in the CWIP, we support the selection of both agricultural nutrient management practices and nature-based practices (e.g., buffers and wetlands) at the edges of and downstream from agricultural and urban lands. Nature-based practices provide cost-effective, high rate-of-return investments that offer greater assurance of long-term performance. They also create opportunities to build community support for co-benefits, such as flood risk reduction, open space access, and improved wildlife habitat. Our support for these BMPs, however, is predicated on the availability of adequate financial and technical assistance (see Funding comment above), as well as well-coordinated engagement, planning and execution in partnership with the agricultural sector. This sector – composed of</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
	<p>individual farmers, agribusinesses, companies and others – bears the vast majority of BMP implementation outlined in the CWIP, as well as Pennsylvania's WIP3. Feasibility of implementation at this scale depends not only on significant funding, but also close coordination across the sector. We recommend that the CWIP leverage existing partnerships within the sector (e.g., the PA Soil Health Coalition and the PA 4R Alliance) to facilitate this coordination. The Nature Conservancy works with these partnerships and stands ready to assist as needed.</p>	
237	<p>NYFB believes the Upper Susquehanna Coalition (USC) and our local county soil and water conservation districts have the best knowledge in implementing practices to reach the nutrient and sediment reductions in the Watershed, and NYFB looks to their guidance to assist farmers in the Watershed. Farmers in the Upper Susquehanna Watershed work closely with the New York State Departments of Environmental Conservation (DEC) and Agriculture and Markets (NYSDAM), local Soil and Water Conservation Districts, the Upper Susquehanna Coalition, and USDA-NRCS personnel on land and water conservation programs. In fact, NYFB has been a strong advocate for the adoption of various soil conservation practices like no-till farming, riparian buffers, and cover crops. NYFB has also supported the development and outreach to farmers for voluntary environmental programs that even reach beyond the regulated community. Ensuring that farmers have access to environmental programs and expertise – and the resources to take advantage of these – has long been a priority of NYFB. It is important that this relationship continue in the event of a CWIP that farmers are expected to also meet in addition to the Phase III WIP. NYFB hopes that both the CWIP and the Phase III WIP are able to work</p>	<p>Although the CWIP load reduction goals are supplemental to the reductions identified in the WIP III plans, and separate financing is proposed to achieve these goals, the implementation effort will work to ensure that the programs, relationships and efforts underway to achieve the WIP III goals will be preserved. Specifically, goals are to ensure that system for tracking CWIP reductions does not create a burden for local stakeholders, and that existing WIP III partner agencies will be able to use the programs already in place of achieve CWIP reductions.</p>

Comment ID	Comment	CIT Response
	collectively and does not require further burdens on the organizations that support farmers or farmers themselves.	
241	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know:</p> <p>A. The State of Maryland has a pilot project to examine the efficacy of dredging and repurposing sediment behind the Conowingo dam with the potential for having this become a credited BMP by the Bay Program. We think that local dam removal and aquatic resource restoration practices and policies should be examined by the Bay Program as a prevented sediment, nutrient reduction, and change of land use crediting opportunity.</p>	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.

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242	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know: B. Seven Pennsylvania counties in the lower Susquehanna watershed mapped by the Water Science Institute and Franklin and Marshall College researchers contain over 1,400 historic milldam sites. Lancaster County alone has nearly 400 milldam sites and many of these sites contain fine sediments overlaying hydric soils that indicate wetland restoration and floodplain reconnection opportunities contemplated in the draft CWIP. These sites cause thousands of miles of stream impairments and thousands of acres of floodplain wetland impairments that represent a legacy of local pollutants. Targeted restoration of these local watersheds is a cost-effective investment for long term, sustainable water quality and other aquatic ecosystem benefits that eventually benefit the Chesapeake Bay itself.</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>
243	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know: C. Many of these milldam sites contribute to local erosion hot spots that under extreme weather conditions create hot moments of high sediment and nutrient load. Historic dam breaching and failures</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>

Comment ID	Comment	CIT Response
	<p>create hot moments that can last for many years and remain as hot spots of erosion for decades. Penn State University, using long term data from the existing watershed gage monitoring system, has recently released a study identifying the targeting of hot spots during hot moments as a viable component of restoration strategies for the Chesapeake Bay. Current dam removal efforts also should be a significant component in considering this approach.</p>	
244	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know: D. In 2018, one milldam removal from a local watershed is annually releasing 3-4 tons per FOOT of bank sediment and attendant N and P from a 1,400 foot length of stream behind the dam site. Using CAST, it was modeled that to offset approximately 5,000 tons (10 million pounds) of erosion in Lancaster County would require the implementation of 3,100-3,500 acres of riparian buffer.</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>

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245	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know: E. A proposed milldam removal scheduled for 2021 has an estimated 80,000 tons of sediment that could begin to mobilize following removal creating another hot moment and long-term hot spot. Several other milldams in the County are now under active discussion for removal. Sediment analysis for the proposed project shows that each ton of sediment contains 3.9 lbs. of N and 1.25 lbs. of P. This is a typical ratio not only for Lancaster County but throughout the seven counties mapped and in other parts of the lower Bay watershed.</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>
246	<p>3. One way to collaborate and avoid the referenced adverse consequences is to work in a common area that provides a high potential ROI and addresses a significant policy and practice gap in Bay Program crediting. We see dam removal, associated legacy sediment and nutrient reductions, and restored ecosystem service opportunities provided by these targeted restoration projects as a potentially significant area that would help achieve CWIP and Lancaster County goals without unnecessary competition. We know: F. The long-term release of this sediment from dam removals is not contemplated in CAST modeling and the practical effect is that even the most cost effective upland BMPs may have many of their conservation benefits offset by bank erosion associated with dam removals, reducing the targeted reduction goals of the state TMDL. In other words, CWIP could be 100% successful installing high ROI BMPs, nevertheless downstream reductions at the Conowingo Dam</p>	<p>The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.</p>

Comment ID	Comment	CIT Response
	<p>would still not be met. The Pennsylvania Department of Environmental Protection, as well as State Conservationist for NRCS, have recognized this policy disconnect and are providing funding and technical support to develop more holistic dam removal and aquatic resource restoration projects. This approach is supported by a range of agencies and organizations including the Susquehanna River Basin Commission and Lancaster Clean Water Partners.</p>	
257	<p>The Chesapeake Bay Cleanup plan, established in 2010, acknowledged that the Conowingo Dam would be a tool used to capture sediment and nutrient pollution that came from the Susquehanna River and other tributaries through 2025. This component was a part of the projections on how much pollution reductions would be needed to restore Bay wide goals. The current Conowingo WIP lacks modeling and future projections of the impact sedimentation will have due to climate change. Increasing amounts of major storm events, flooding, and rainfall contributes to scouring stored sediment and debris that are behind the dam and deposit them further down the Bay. An example of this can be seen on the Susquehanna flats, near the City of Havre de Grace, where debris and sediment deposit on top of mature, healthy submerged aquatic vegetation (SAV). The impact from that sediment deposition leads to reduction of vital habitat, food sources for aquatic and shorebird wildlife, and reduces the overall water quality. Sediment pollution will continue to occur and burden the health of the Chesapeake Bay if it is not addressed in a timely and appropriate manner.</p>	<p>Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.</p>

Comment ID	Comment	CIT Response
259	<p>Nothing new or innovative. Among the five Guiding Principles of the CWIP Framework is Efficiency in Innovation. [...] As presented, the Draft CWIP will indeed foster "duplicative bureaucracies" with nothing new or innovative to address the Conowingo Factor. Proposing existing BMPs -- forest buffers, urban stormwater management, soil conservation, agriculture restricts, etc. -- is hardly a new plan. Recognizing that the loss of trapping capacity in Conowingo reservoir requires an additional reduction of 6 million pounds of nitrogen and 0.26 million pounds of phosphorus loading to Chesapeake Bay to meet TMDL goals, there is simply not enough money or proven technology to mitigate the impacts of such pollution loading by way of downstream (below the Dam) BMPs. The entire focus of the CWIP should be upstream -- in the Conowingo reservoir for dredging and sediment management and in the geographic extent of the primary CWIP strategy (the Susquehanna River Basin) for measures that will reduce pollution loading to Susquehanna River. The focus should be on pollution loading reduction at the source, not hopeful mitigation downstream after the loading.</p>	<p>The Conowingo WIP will be unique in that it will encourage public/private partnerships that will have the ability to work across multiple jurisdictions and agencies. It will also work to enhance coordination and leverage local resources to implement pollution reduction practices at the source. Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p>
260	<p>It is astounding that there is no serious consideration in the Draft CWIP of either beneficial use of dredge spoils or cultivation of oysters as a best management practice (BMP), despite both being part of MDE's bold and historic water quality certification for Conowingo Dam relicensing. At a minimum, we would expect dredging to be mentioned as an option for offsetting the assumption error in the original Bay TMDL (Appendix T), especially given that the Framework on the Steering Committee's web page specifically encourages this among the innovative components to be considered (see page 4, item 6: "Managing reservoir sediment through dredging and innovative and/or beneficial re-use..."). If the plan is to wait for the Conowingo Sediment Characterization and Innovative Reuse and Beneficial Use Pilot Project managed</p>	<p>Although the use of oysters is an approved Chesapeake Bay Program (CBP) BMP it is unlikely they could survive in the freshwater conditions of the Susquehanna River and its tributaries. Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p>

Comment ID	Comment	CIT Response
	<p>by Maryland Environmental Service to be completed, then that project (first announced in 2017) should be expedited.</p>	
275	<p>4. Sediment -- While the CWIP has a primary focus on nitrogen, it leaves sediments mostly unaddressed. EPA Chesapeake Bay Program data estimates that 192 million tons of sediment are trapped behind the dam, and this number increases by roughly 3 tons each year. Suspended sediments are one of the biggest impairments to water quality in the Chesapeake Bay. Sediment clouds water, blocks light from reaching SAV and smothers shellfish. During strong, and now more frequent, storms and severe floods, particles of sediment are scoured from behind the Conowingo Dam. These scoured sediments, which can carry attached nutrients, then flow into the Bay, decimating underwater grass beds and marine life. These scouring events will only continue to increase as the effects of climate change impact our region. If the CWIP is fully implemented it would only meet the nitrogen requirements, but would still fall short on meeting necessary phosphorus and sediment reductions. Given these concerns, we support the language in the CWIP that indicates the plan "can be adjusted to incorporate feasible, cost-effective, creditable, and trackable load reduction measures identified" as a result of the Maryland Department of the Environment's dredging study and pilot project. We also support the creation of an expert panel "to scientifically evaluate and quantify load reductions from Maryland's Conowingo dredging pilot (See Draft CWIP, Page 42). "</p>	<p>Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates. The Maryland Department of the Environment is currently conducting a study of the potential to dredge behind the Conowingo Dam. Once completed, the resulting data, along with other studies and resources, will allow for a re-evaluation of dredging's potential. As of right now, dredging is not an approved Chesapeake Bay Program (CBP) BMP. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAp.aspx</p>

Comment ID	Comment	CIT Response
277	<p>The CWIP states that it “recognizes that in-water practices — such as reservoir dredging and reuse,... have pollution reduction benefits that should be further explored and possibly utilized. Such BMPs may be explored in subsequent versions of the CWIP and are not included in this draft, as additional information is needed to fully evaluate these innovative practices.” This statement belies the facts about dredging and reuse. It also results in doing the same BMPs repeatedly because of a short-term mindset instead of focusing strategies that will deliver sustainable results over the long-term – which can only be achieved with sediment reuse. No agricultural BMP will stop the flow of sediment and associated nutrients into the Bay. The lack of forward thinking in the CWIP is also evidenced in the fact that all ten of the additional CWIP strategies outlined in Appendix A are principally focused on agricultural based practices, none include reuse.</p>	<p>Comment Acknowledged</p>
278	<p>In my consideration of how to mitigate the transport of sediment through the Conowingo Dam, it is apparent a two-pronged approach is needed consisting of 1) improving control of sediments at their source, and 2) dredging the Reservoir, with responsible re-use of the sediments. Going forward, as a matter of responsible environmental stewardship, both measures need to be implemented as full-time practices for managing Bay water quality. There is no controversy among stakeholders on the need to improve control of sediments at their source. In contrast, dredging has been highly controversial, with the consensus among those opposed to dredging being that restoring the Reservoir is too big and costly to tackle, citing statistics such as 174 million tons+/- are already in the Reservoir and it would fill railroad cars stretching from the U.S. east coast to the west coast.</p>	<p>Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.</p> <p>Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p>

Comment ID	Comment	CIT Response
298	B. Accounting for the Impacts of Climate Change. 4) Along with reforestation and green infrastructure, it is important to note that many of the soil health best management practices (BMPs) in Pennsylvania's Phase 3 WIP also achieve the stated goals in this section of the draft Conowingo WIP.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
327	E. Primary Conowingo WIP Strategy. 13) On page 29, the primary strategy section of the draft Conowingo WIP highlights natural filters (wetland restoration and riparian forest buffers); we recommend including grass riparian buffers in this list. Grass riparian buffers are another significant natural filter and are included as a priority practice in Pennsylvania's Phase 3 WIP. Similarly, we recommend adding manure transport to the nutrient reduction practices list in the draft Conowingo WIP.	The CWIP Steering Committee will consider public comments relevant to BMP types and targets during the draft CWIP revision process.
334	2) Overreliance of Annual Agricultural Practices. The Primary Strategy assumes a BMP portfolio with 89% of its Nitrogen load reduction coming from annual agricultural practices. We are concerned that the Primary Strategy's heavy reliance on annual agricultural-based practices, does not adequately account for a host of project risks, including grossly underestimating implementation costs and rosy assumptions of enormous and steady enrollment. The Primary Strategy assumes sustaining more than two million Practice-Acres each year in annual agricultural practices. While some of these acres may be enrolled in multiple practices, a minimum of 626,000 acres must be enrolled and each practice has unique administration challenges that entail massive costs not fully accounted for.	Comment Acknowledged

Comment ID	Comment	CIT Response
339	<p>5) Structural Practices as Risk Mitigation. We challenge the assumption that structural solutions are more expensive per pound of Nitrogen reductions. Long term (20-years and over) structural solutions are highly competitive with annual techniques and we can provide supporting comparative project economics. Additionally, we believe the discussion surrounding structural BMPs ignores several key benefits derived from the large-scale implementation of structural practices relative to annual, agriculture-based practices. These benefits substantially reduce project risks, both internal and external: (see table in original comment document). While there are certainly opportunities for improvement in the final CWIP, we do want to highlight a few items for the PSC that we believe are overwhelmingly positive and demonstrate a genuine commitment to achieving results at scale.</p>	Comment Acknowledged
344	<p>C) 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.</p> <p>From a citizen perspective, the sediment's downstream shore</p>	Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.

Comment ID	Comment	CIT Response
	<p>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.</p>	
366	<p>2. Sediment is largely unaddressed in the CWIP. While the CWIP has a primary focus on nitrogen, it leaves sediments mostly unaddressed. Bay Program data estimates that 192 million tons of sediment are trapped behind the dam, and this number increases by roughly 3 tons each year. This amount of sediment is equivalent to three times the volume of the pyramid of Giza. Suspended sediments are one of the biggest impairments to water quality in the Chesapeake Bay. Sediment clouds water, blocks light from reaching SAV and smothers shellfish.¹² During strong storms and severe floods, particles of sediment are scoured from behind the Dam. These scoured sediments (which can carry attached nutrients) then flow into the Bay, impacting underwater grass beds and marine life. These scouring events will only continue to increase as the effects of climate change impact our region. If the CWIP as drafted is fully implemented it would only meet the nitrogen requirements, and would still fall short on meeting necessary phosphorus and sediment reductions. As addressed above, the CWIP Framework documents (in both draft and final edition) indicate that the WIP</p>	<p>Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.</p> <p>Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p>

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	<p>was supposed to include dredging as a component under consideration. The draft CWIP does not include a clear path forward for the dredging that is necessary to address the sediment that is built up behind the dam. Furthermore, no technical advisory was done in the CWIP drafting process to definitively rule out dredging. This is a fundamental flaw of the draft CWIP and chosen cleanup methods.</p>	
376	<p>Thanks, Brian. That helps regarding where the dam has already breached. It should be a goal of the CWIP to end future breaches without mitigation plans.</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
384	<p>More of a comment than a question. Verification of some of your BMPs could be an issue moving forward. I know in my jurisdiction Manure Incorporation was something we wanted to start with, but verification has been a colossal issue</p>	<p>The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The team has already been in touch with staff at PA DEP about coordinating tracking efforts, and the intention is to continue this close relationship as we identify what will be needed for tracking implementation of the Conowingo WIP in conjunction with state tracking/reporting for their jurisdictional WIPs.</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
146	<p>As noted above, Pennsylvania has lagged far behind other Chesapeake Bay states in providing dedicated state-level funding to finance the implementation of agricultural BMPs. Neighboring Maryland offers farmers \$45/acre/year to establish cover crops, and leads the nation with more than 50% of its available farmland in cover crops. Pennsylvania's NRCS could dedicate more of its CSP, EQIP and other funding to address soil loss and implement healthy soil practices. Creative incentives from Pennvest and other funders whose mission is to address clean water could partner with agencies, industry and banks to offer better financial incentives to farmers, coupled with stronger compliance efforts by DEP. Healthy soils are documented by studies by the Natural Resource Defense Council (NRDC) to absorb an additional 20,000 gallons of rainwater per acre after a rainstorm, mitigating flooding and runoff into streams. Seeking funding from national and state FEMA and PEMA agencies for disaster flood mitigation funding to improve healthy soils should be a no-brainer. Encouraging additional incentives from aggregators to insist on compliance from their sourcing farms and dairies - such as Turkey Hill has done - provide a way to achieve improvements without additional revenues from state or federal government. We hope that the forthcoming C-WIP financial plan draws on these and other creative solutions to provide the estimate \$50.3M/year in resources identified in the draft C-WIP plan to implement BMPs.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
346	<p>We were also happy to see that riparian forest buffers and other natural filters practices were prioritized, although exactly how these practices will be prioritized in the proposed performance-based contracting financing approach could be further clarified. The WIP indicates that BMPs will be assigned to different "project tiers", but it isn't clear exactly which BMPs are being assigned to which tier or how these tiers will inform funding/financing decisions.</p>	<p>Figure 3 in the Draft Conowingo WIP provides the criteria for each tier. As an CBP approved and in the ground practice riparian forest buffers and other CBP approved infiltration BMPs would be considered "tier 1" practices.</p>

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347	See original comment PDF for unedited letter. The "edited" comment contains excerpts that illustrate key points; original words have not been changed, just extracted.	<p>Each of these comments included specific anecdotes and backgrounds of individual watermen submitted by the Lower Susquehanna Riverkeeper Association. Each, however contained concerns that sediment was unaddressed in the CWIP and clear sources for funding are not named.</p> <p>Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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Comment ID	Comment	CIT Response
345	<p>The USFS is happy to see the ambitious urban forestry goals included in the primary CWIP strategy. While the high costs associated with the strategy and its urban forestry practices are acknowledged, the monumental investments that will be needed to build urban forestry capacity to meet these goals should not be underestimated (and likely aren't accounted for in CAST's estimates for implementation costs). To put the magnitude of the urban forestry goals in perspective, watershed-wide, the state WIPs cumulatively committed to <19,000 acres of urban forest planting and <17,000 acres of urban forest buffers. In contrast, the CWIP includes 49,000 acres of urban forest planting and 17,000 acres of urban forest buffers in the priority area alone. Again, we support the inclusion of these practices, but if these goals are going to be realized, significant investments in capacity building for urban forestry should be included in the overall funding and financing strategy.</p>	<p>The Conowingo WIP plan development team recognizes concerns regarding local capacity. Coordination between local efforts and the Conowingo WIP implementation team will be vital and the comment regarding the ambitious nature of the goals will be evaluated. It was noted that in the plan that there were differences in cost estimates, both within the CAST model and from other sources. Additional cost information that can be shared related to these two practices can be utilized as the overall CWIP process moves forward to financing and Milestone development. This comment will also be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
85	<p>https://conowingosystems.com/</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
7 - Action Network	<p>I'm writing today to submit comments on the draft Conowingo Dam Watershed Implementation Plan (WIP). Unfortunately, the draft Conowingo WIP has serious flaws that need to be addressed: it doesn't address reducing sediment pollution, there is no financing mechanism, and it doesn't account for increasing pollution loads due to climate change.</p> <p>The Conowingo WIP offers no clear plan to address sediment behind the Dam. At the start of the Conowingo WIP planning process, dredging analysis and planning was supposed to be a high priority in the final Conowingo WIP. This current draft makes very few references to dredging, and concludes only that "more study is needed" on dredging. Nearly 200 million tons of sediment pollution have accumulated behind the dam. During major floods caused by large storms, powerful floodwaters can scoop out or "scour" the stored sediment behind the dam and send that downstream to the Chesapeake Bay.</p> <p>The Conowingo WIP does not yet have a financing plan—creating great uncertainty at the outset as to how any work in the draft Conowingo WIP will be funded or actually executed. To make matters worse, the Conowingo WIP does not hold the owner of the dam, Exelon, financially accountable for the pollution built up behind the dam. Analyzing planning documents for the Conowingo WIP shows that the drafters' interest in holding Exelon accountable to the process waned over time with the burden falling to the Bay states and their respective taxpayers. Exelon has no definitive role, financial or otherwise, in the drafted Conowingo WIP.</p> <p>The importance of the Conowingo WIP is even more critical when viewed in light of the fatally flawed settlement agreement between the State of Maryland and Exelon. In this agreement, the state waived its Clean Water Act authority to require water</p>	<p>Dredging behind the Conowingo Dam or dams further upstream are not a Chesapeake Bay Program approved best management practice (BMP) at this time. For further information related to the current status of the Conowingo Dam or the Pilot Dredge Project, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p> <p>During the development of the Conowingo WIP, the plan development team was informed that the Chesapeake Bay Program would be providing them with updated load reductions related to climate change. This information was not available at the time the draft plan was released, but will be incorporated into future plan updates and/or through the Milestone Planning process once they are provided.</p>

Comment ID	Comment	CIT Response
	<p>quality certification, and allows Exelon to avoid paying its fair share of the costs of the clean up. The proposed settlement provides, at best, less than \$30 million to address sediment and nutrient pollution over the entire 50-year license. The actual cost of meaningfully reducing the nutrients and sediment behind the dam has been estimated at approximately \$41 million each year.</p> <p>The draft Conowingo WIP leaves out an essential element—increased pollution loads due to climate-driven increases in rainfall, flooding, and extreme storms. Without the climate load factored in, it is impossible for the Conowingo WIP to facilitate necessary load reductions.</p> <p>I respectfully request that the draft Conowingo WIP be amended to make it a real plan that reduces nutrient and sediment pollution, accounts for increased pollution loads due to climate change, and identifies how it will be funded, including requiring Exelon pay its fair share.</p>	

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336	<p>2) Overreliance of Annual Agricultural Practices. B) Limited Co-Benefits from Annual Practices. An opportunity exists to leverage funding and practices under the CWIP to achieve broader goals, namely those goals outlined in the 2014 Chesapeake Bay Watershed Agreement. However, the heavy reliance on funding annual agricultural practices does nothing to leverage the funding towards achieving these goals, despite the fact that each of the States represented on the Principals' Steering Committee are signatories to the Bay Agreement. Alternate scenarios more directly address specific Agreement goals, such as creation or re-establishment of 85,000 wetland acres, 900 miles of annual forest buffer restoration, or improving the health and function of ten percent of stream miles throughout the watershed. By broadening the geographic scope and allowable BMPs, the CWIP would catalyze progress on Agreement goals in water quality, climate resilience, and habitat.</p>	<p>The Primary CWIP strategy was chosen largely based on cost-effectiveness, which led to a largely agricultural blend of practices, with a small amount of urban BMPs as well. In addition, the proposed plan incorporates a mix of Annual and Structural BMPs with the goal of including practices that can be financed with low initial costs (i.e., the annual practices), as well as those with high initial costs that are financed over a long period of time (structural practices). A second goal was to implement practices that did not consume a large amount of agricultural land. However, it is true that some of the other scenarios, which rely to a greater degree on wetland restoration or buffer plantings, for example, go further toward advancing other Chesapeake Bay goals.</p>
400	<p>Structural BMPs are likely most desired by farmers as the cost to implement are beyond the reach of many farmers due to the economic challenges of agriculture and the need to pay monthly bills in comparison to significant capital investments. There are ample annual practices implemented that have yet to be captured/reported so the opportunity for annual BMPs may not be as great as initially assumed.</p>	
33	<p>CWIP could cover the Commodity Cover Crop portion of the program that was eliminated a few years ago.</p>	<p>Nutrient reductions achieved through the MDA cover crop program have been accounted for in Maryland's Phase 3 Chesapeake Bay Watershed Implementation Plan (Phase 3 WIP) and were therefore excluded from the CWIP, as the CWIP is charged with finding additional load reduction opportunities, exceeding planned</p>

Comment ID	Comment	CIT Response
		reductions in the jurisdictions' Phase 3 WIPs. However, the Steering Committee may look to the Commodity Cover Crop portion of the program as a potential gap in implementation that the CWIP could fill.

DRAFT

Exelon

Comments received under the topic Exelon are listed below with their responses. Primarily, the comments were focused on dredging, funding, and the omission of Exelon corporation from the CWIP.

The CIT does not anticipate any revision based on these comments.

Comment ID	Comment	CIT Response
271	<p>1.4. Financing Plan -- Finally, Exelon, the owner and operator of the Conowingo Dam, also must be included in discussions around funding for the CWIP. One of the conclusions of the Lower Susquehanna River Watershed Assessment Study was that there was a downstream water quality impact on dissolved oxygen associated with scour from behind the Conowingo Dam. For this reason, Exelon, the owner/operator of the Conowingo Dam, should be held accountable for mitigating those downstream impacts. In fact, in 2017, the Chesapeake Bay Program Principals' Staff Committee drafted a letter to invite Exelon to participate in the development of the Conowingo WIP (See PSC Letter to Exelon). Unfortunately, that effort did not come to fruition and they are noticeably absent from the Conowingo WIP discussion. We recommend that funding from Exelon be explicitly mentioned in the financing strategy and that the Chesapeake Bay Program partners collectively approach Exelon about participating in this initiative.</p>	<p>Exelon was not engaged in the Conowingo WIP development as it is undergoing FERC relicensing. For further information related to the current status of the Conowingo Dam, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCApp.aspx When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
364	<p>We do not believe the Conowingo pollution load, the Susquehanna River, or the Chesapeake Bay can possibly be cleaned up unless the proposed settlement agreement is withdrawn and Exelon is required to shoulder its fair share of the costs of cleaning up the pollution and contamination that its Dam causes.</p>	<p>Comment Acknowledged</p> <p>Exelon was not engaged in the Conowingo WIP development as it is undergoing FERC relicensing. For further information related to the current status of the Conowingo Dam, please visit:</p>

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		https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCApp.aspx
428	<p>I also completely agree with Ted. Exelon needs to be at the table and a healthy contributor to the CWIP. I don't see any other legitimate reason why they shouldn't.</p>	<p>Comment Acknowledged</p> <p>Exelon was not engaged in the Conowingo WIP development as it is undergoing FERC relicensing. For further information related to the current status of the Conowingo Dam, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCApp.aspx</p>
427	<p>Wow, I would agree with TEd that how can anyone expect farmers, etc to buy into this, with no participation of Exelon will be not met with favor.</p>	<p>Comment Acknowledged</p> <p>Exelon was not engaged in the Conowingo WIP development as it is undergoing FERC relicensing. For further information related to the current status of the Conowingo Dam, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCApp.aspx</p>

Financing

Comments received under the topic Financing are listed below with our team's responses. These comments will be shared with the financing team for final response language.

The CIT anticipates revision to the CWIP based on the draft financing strategy (released after this document's comment period was under way) and in coordination with the financing team.

Comment ID	Comment	CIT Response
82	So to put a positive spin on my earlier question - Conowingo WIP private funding could help enhance and expand existing Phase III WIP projects - thinking specifically about Old Order Amish who are hesitant to accept government funding.	Comment Acknowledged
91	Page 21: The second-to-last sentence under "Program Support" states that local programs will need "an additional \$12,515,696 annually ... to achieve Conowingo N reductions." The local programs should be identified.	Local programs include those conservation districts, local governments, and local partners listed in the first paragraph of the "Program Support" section.
104	The need to focus on the strategy is apparent, but it does not appear that you can separate the strategy from the funding. Without both components, you can't determine whether it's a realistic plan or not. Private funding partners definitely need to be a part of the funding plan because it is typically the most flexible funding. It is also the most attractive funding to the farming community.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
162	Existing Organizations with Financing Capacity (n.p.): Due to limited funds to begin with and high competition for existing funds, the CIT may want to consider engaging entities and/or institutions involved with social impact bonds that generally may include an environmental impact mission.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit:

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185	<p>Financing Comment 1. Include the rationale for recommending a financing authority. According to the draft financing strategy: "The project team conducted case studies on financing institutions and processes with the goal of identifying unique processes and programs that may benefit Conowingo WIP implementation and financing efforts. In addition, the project team conducted detailed assessments of existing financing processes and resources thereby identifying the strengths and weaknesses of the current system and its capacity to meet the Conowingo financing challenge. Finally, the project team analyzed the proposed Conowingo WIP itself to establish a better understanding of the resources, institutions, and processes necessary for achieving proposed restoration goals. This due diligence was the precursor for developing a proposed financing strategy." The results of these analyses should be included in the draft document to provide support and a logical pathway for the recommendation of an independent financing authority. There seems to be an indication this analysis was conducted based on the description of the role of the authority, but the strategy should explicitly include a section that describes what was reviewed, what was learned, how it lead to this recommendation, and why no other existing financial institutions were suitable.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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192	<p>The Plan advocates for significant private investment into restoration practices. There is no clear strategy on what incentives will be needed so that private investors would be willing to risk funds. Without such incentives, the Plan should make it clear that public agencies will be responsible to assure that projects are being implemented.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
219	<p>Executive Summary, p. 2; expanding market mechanisms: As explained in the 2017 Annual Resource Review article, Can Water Quality Trading Fix the Agricultural Nonpoint Source Problem? by Kurt Stephenson and Leonard Shabman (both members of the CBP STAC), “Water quality trading programs involving agriculture, as currently designed and implemented, will make limited contributions to lowering loads or reducing pollutant control costs.” This conclusion has been borne out by the Pennsylvania Nutrient Credit Trading Program and other programs within the watershed jurisdictions. As such, water quality trading should not be relied upon for success of the CWIP. Expanding market mechanisms should be understood to include “harnessing of consumer choice and the private sector marketplace”. Refer to Moving Forward: Future Directions for EPA and Environmental Protection, Project Report by American University School of Public Affairs, Center for Environmental Policy, December 2019. The CWIP should foster market-based solutions that employ measurement and other technologies to link nutrient pollutant prevention with consumer food products in a way that meets the requirements of sustainability conscious buyers and investors who are willing to invest and pay extra for products with an authenticated environmental footprint reduction.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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232	<p>Costs of Implementation -- Paragraph 1: Implementation cost projections included in the draft CWIP (\$53.3 million/year) are unrealistic and inaccurate. While we understand the need to place a priority on cost-effectiveness of the various CWIP scenarios that were considered, the initial draft version of the CWIP released in January 2020 and revised the following February had an annual cost of \$371 million – 7 times the estimated cost of the current draft CWIP. The majority of the other 10 scenarios that were considered, summarized in Table 9 and included for reference in Appendix F of the CWIP, are more expensive than the estimated implementation costs for the current draft CWIP. More importantly, the draft CWIP itself states the project costs “do not include associated costs for financial services or technical assistance provided at the local level to facilitate implementation of CWIP.” Table 5 of the draft CWIP presents 4 alternative methodologies for estimating implementation costs. The method that incorporates reported cost data from the University of Maryland Center for Environmental Science increases the total cost to \$266 million/year. As a result, during discussions of the CWIP Steering Committee it was acknowledged that the true costs of implementation would be at least twice the projected costs in the draft CWIP. Therefore, using a conservatively low cost estimate of \$100 million per year, 10 years' worth of implementation to achieve the draft CWIP will require \$1 Billion in additional revenue.</p> <p>Paragraph 2: Given these cost realities, a significant shortcoming of the current draft CWIP is that it does not acknowledge the extreme challenges at the local and state levels to adequately fund any combination of BMPs under consideration. Due to the annual nature of most of the proposed BMPs in the CWIP, the extraordinarily high funding must be provided each year for decades. Put simply, there must be a more realistic, pragmatic, innovative, and cost-effective option for consideration.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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234	<p>1) Lack of a funding plan. We are deeply concerned that no funding or revenue streams have been identified to implement the proposed activities in the CWIP. Without commitments from entities to pay for the CWIP, it is difficult to evaluate the plan. Ongoing challenges with funding and feasibility of current Phase 3 WIPs (particularly in Pennsylvania) underscore this issue further. Securing commitments from public sources in particular is critical to build support for the CWIP, and is an absolute requisite to engage private investors (i.e., the “innovative finance” referenced in the CWIP). These investors can help accelerate CWIP implementation and reduce its cost, and they will not invest without assurance that they will be paid for the benefits delivered by any BMPs they implement. While corporate and philanthropic funds have important roles to play, public funding is an essential mechanism by which to engage private investors. We recommend that the CWIP acknowledge and address the pressing need for increased public funding as an essential element of the plan.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
240	<p>2. Related to this concern is the possibility that as you develop financing strategies for the CWIP potential and committed funds available to Lancaster (and the rest of the watershed) might be siphoned away from existing efforts. Currently, we have an abundance of projects for which we are seeking funds but the financial need is well in excess of available resources. Recognizing this reality we continue to develop our own financing strategy that is less dependent on state and federal agencies. It's easy to imagine how CWIP's need for \$53 million will compete and/or cannibalize our need for at least an additional \$50 million annually we have determined is required to fully implement our CAP. There is a potential double-whammy: If the CWIP financing strategy effects a redirection of some of the funding we might have received, it will reduce opportunities to fund projects we need to achieve our WIP. As you go after the highest ROI projects, we could have fewer opportunities to compete and our CAP could</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
	<p>be left with the lower priorities - projects with less impact at a higher cost - and unable to achieve our goals. Hopefully you understand how the best intentions could go very wrong.</p>	
251	<p>2) Programmatic & Numeric Implementation Commitments. Within this section of the draft CWIP, there is discussion of utilizing existing state cost-share programs as a mechanism to administer potential additional funding for implementation of the CWIP. It should be noted that New York's major existing agricultural water quality cost-share programs (e.g. New York Agricultural Non-Point Source Abatement and Control Program) cannot be used to direct funding to a specific watershed within New York, such as the Susquehanna watershed. It is likely that a new cost-share program or contracting mechanism will have to be created in New York to accommodate any additional funding that may be tied to the CWIP.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
268	<p>1.1. Financing Plan -- The Coalition does not agree with the CWIP Steering Committee's decision to detach the financing plan from the WIP and for it to not be subject to a formal public comment. Given the essential nature funding has to this plan, we feel that the public should be given the opportunity to give feedback, which is why we have included it in this comment letter.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
269	<p>1.2. Financing Plan – In order to be effective, the CWIP will require a substantial amount of funding to implement. Conservative estimates put the cost at around \$53 million a year, in perpetuity. That does not include communications and management costs associated with the plan, which could increase costs to over \$70 million a year. From in-lieu costs outlined in the Water Quality Certification issued for the dam 2018, it would cost an estimated \$172 million a year to adequately clean up the dam. (See 2018 Water Quality Certification, Page 16). It is unclear how these significantly different costs would lead to the same load reductions. The Water Quality Certification also notes that the nitrogen and phosphorus reductions (in the form of in-lieu fee amounts) cost \$17.00 and \$270.00 per pound respectively. (See 2018 Water Quality Certification, Page 16.) In the draft CWIP, these same reductions were only quantified at \$8.00 per pound (See Draft CWIP, Page 8).</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
270	<p>1.3. Financing Plan – Also, there are no clear sources for funding named in the draft financing plan. There is mention of creating a Conowingo Financing Authority, which will “receive revenues and invest in restoration activities across the region and the Bay watershed,” but how the Authority is to be established and to function was left to be determined after the CWIP is approved (See Draft Financing Plan, Page 3). This leaves Chesapeake stakeholders with no sense of where the funding will come from and who will be responsible for ensuring the funding is being implemented efficiently and equitably on the ground.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
281	<p>Considerations should be given to developing policies now that will encourage downstream jurisdictions, other permit holders, and the philanthropic public at large to participate in the financing (and securing proportional nutrient credits) of the needed urban and agricultural BMPs envisioned by the CWIP. Specifically, the CWIP calls for the implementation of additional urban forest planting and forest buffer requirements along with the nitrogen-reducing management practices to be targeted to those Land-River Segments (LRSs) within the Susquehanna River basin that are most effective at delivering nitrogen to the Chesapeake Bay and, therefore, offer the best opportunity to efficiently improve conditions in the Bay by reducing nitrogen loads. However, as this shared-responsibility approach implies, additional funding is needed in order for both the affected municipalities and agricultural communities in these areas to be able to pay for the installation of these needed BMPs.</p>	<p>Comment Acknowledged</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
282	<p>In order that the affected municipalities and agricultural communities be supported in these efforts, we ask that the US EPA Chesapeake Bay Program work to support the creation of a wider menu of cost-effective financing options, including the development of robust credit trading and offsetting policies by all jurisdiction to maximize the reduction in pollutants and sediments being deposited into our waterways without bankrupting our communities and shutting down economic growth. This menu should give municipalities, and their private-sector partners, the freedom to work together to creatively share the burden of compliance. Further, any effort to impose reductions in nutrient or sediment discharges, as in this case, should again equitably allocate responsibility between point and non-point sources on a proportionate basis to their discharges.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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286	<p>In order to have a successful Conowingo WIP for which Pennsylvania plays a role, and thus county efforts will inevitably contribute, in addition to the Pennsylvania Phase 3 WIP, it is critical to provide additional resources that are specifically allocated to this additional set of goals. However, the Conowingo WIP does not provide additional funding through the finance strategy. While ideas are provided, actual financial resources that will be needed for the success of this WIP remain to be identified. Public financial resources are always in high demand and in low supply, but this is especially true in the current environment. Pennsylvania used one-time CARES Act funding to balance the state's FY 2020-2021 budget last fall after low revenues and financial uncertainty due to a tumultuous year fighting the pandemic. FY 2021-2022 already promises to strain the state budget once again as initial revenues and projections indicate another difficult budget year is upon us. Therefore, success in achieving goals for an additional Chesapeake Bay cleanup effort through adding the Conowingo WIP will need to rely on specific and confirmed funding sources outside of public dollars. Until separate, reliable funding has been secured, the Conowingo WIP will certainly become a competing effort to plans already underway and will likely cause confusion and frustration on the part of state and local officials making their best efforts to continue this work.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
290	<p>Our overarching concerns with the draft Conowingo WIP include: 1) Funding. Identifying and securing the funding necessary to implement the Conowingo WIP will be crucial towards achieving the goals of the Conowingo WIP. We are aware that the Conowingo WIP Financing Strategy was published on December 10, 2020, understanding that the Conowingo WIP and the Financing Strategy are on separate but parallel trajectories. We will provide more specific feedback and comments on the Financing Strategy through the Conowingo WIP Steering Committee and the Principals' Staff Committee.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
304	D. Financing System Implementation Strategy. 1) Successful implementation of the Conowingo WIP will require a successful funding strategy. The lack of detailed information within the draft Conowingo WIP regarding the financing strategy presents a significant challenge in reviewing the draft Conowingo WIP.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
311	D. Financing System Implementation Strategy. 8) We recommend exploring whether the Conowingo WIP Financing Strategy could be implemented through existing state revolving fund entities (e.g., the Pennsylvania Infrastructure Investment Authority), perhaps through cooperative agreements.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
312	D. Financing System Implementation Strategy. 9) The draft Conowingo WIP is critical of existing state and federal cost-share and grant programs and consistently states that these programs need to shift away from a “pay for practices” model and be reinvented under a framework of “pay for performance,” purchasing of ecosystem services, and a new public procurement process. The “pay for performance” framework essentially moves away from grants and toward low-interest loan programs or payments to farmers after the fact for practice installation through annual payments for ecosystem services, intending to see competition for the best price for practice. This framework is challenging for farmers who cannot usually increase prices to	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee

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	<p>cover costs to install improvements and acquire new technology. In order to shift to “pay for performance” model where farmers are paid after installing practices, it must be recognized that on-farm BMPs have to be planned, permitted, installed, and paid for before any sort of ecosystem service payment could be made.</p>	
331	<p>H. Timeline and Next Steps. 2) In the draft Conowingo WIP, completion and launch of the Conowingo WIP's financing framework does not occur until 2021 and 2022, respectively, which could make it difficult for partners and local stakeholders to realistically commit to the Conowingo WIP expectations.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
335	<p>2) Overreliance of Annual Agricultural Practices. A) Inability to Finance Annual Practices Over Long-Term. The ability to leverage private financing is only available for long term structural practices rather than annual practices. For structural practices, pre-development and development capital costs could be financed and repaid over time. In some instances, the private sector is willing to finance up to 5 years of capital costs before being repaid over time. Ecological restoration firms have successfully implemented hundreds of stream, wetland, and shoreline restorations under various forms of performance-based contracting throughout the Chesapeake Bay watershed, which reduce financial and project risk for public agencies tasked with federal restoration mandates. Anne Arundel County, for example, has successfully managed its MS4 permit partially through full-</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
	<p>delivery restoration projects, which ensure cost-effective nutrient reductions are paid for only upon project completion. This private long-term financing would not be possible with annual practices, as these are renewed and paid for each year and thus more exposed to market fluctuations and frequent decision-making. With annual practices, there is no long-term financing component, meaning the public sector would have to make funds available each year to ensure continued enrollment.</p>	
338	<p>4) Primary CWIP Strategy Conflicts with Draft Financing Strategy. The Draft Financing Strategy issued by the University of Maryland, states "any new financing system that does not alleviate the fiscal burden of that responsibility will not be successful... Public investment is essential, but public investment alone will not be sufficient. Long-term sustainable implementation success will require investing in the most innovative industries and processes that have the potential to create efficiencies, identify and leverage untapped revenue streams, and utilize long-term financing and investment tools. In short, the Conowingo WIP financing process must result in a transition from publicly subsidized grant funding to publicly incentivized restoration investments. Long-term restoration success will require close collaboration with and partnerships between the public and private sectors." Draft Financing Strategy starting on page 2. The Primary Strategy is highly prescriptive on the practices and geography and does not invest in innovative industries and practices, it does not leverage long-term financing and sets up a system entirely reliant on publicly subsidized grant funding. The Strategy should build on the successful initiatives of Counties in the Bay to procure PES solutions and to establish community-based public-private partnerships. The current approach does nothing to</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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	<p>harness those public-private benefits and limits the program to the traditional public annual funding, which has not been successful to date.</p>	
367	<p>3. The released draft CWIP preceded the completion of a financing plan, rendering the draft CWIP incomplete and uncertain. No financing strategy accompanied the draft CWIP, and the lack of a concurrently drafted financing strategy is a fundamental flaw of this draft. In fact, we understand that it was the intent of the Steering Committee to withhold release of the financing plan until after the final approval of the CWIP. This lack of transparency in developing plans that will ultimately result in the expenditure of billions of taxpayer dollars is simply unacceptable. Despite the withholding of the financing strategy from the public, what we know from circulated versions of the financial statement is grim for the Bay jurisdictions—the cost of cleanup will be passed onto the citizens of the region, if it happens at all.¹³ The Conowingo WIP differs significantly from the state WIPs in that the entire process—including funding, financing, and implementation—will presumably be implemented collectively among all the Bay jurisdictions.¹⁴ Additionally, suggestions that private sector philanthropy can fill the gap are similarly misguided as it is unlikely private entities will want to spend money in the form of donations just to relieve Exelon of its cleanup liability.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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430	I understand the need to focus on the strategy, but I don't think you can separate the strategy from the funding. Without both components, you can't determine if it's a realistic plan or not.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
431	Private funding partners definitely needs to be a part of the funding plan because it is typically the most flexible funding.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
432	This is David Boose with York County Ag Preserve, we have seen a major increase in Plain Sect ownership of our preserved farms in York County, with more coming. They have expressed they are more willing to receive loans from the private sector for doing projects compared to receiving government grants or involvement. So I see a value in having private connections who want to lend or get involved in projects that could help Plain sect farmers reduce nitrogen loads coming from their farms.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee

Comment ID	Comment	CIT Response
433	<p>There will be a LARGE lift to get the farming community to commit to government funding. private funding NEEDS to be included.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
142	<p>I am writing today to ask that C-WIP please be redrafted to provide a more specific, practical, administratively and financially viable plan for this program.</p> <p>Agriculture is a low-profit industry. Certain sectors, particularly within animal production, have come under immense financial pressure in recent years. Many farms have seen their finances depleted after a number of years of negative returns. To implement the requirements of C-WIP without providing adequate cost-sharing or other funding would be disastrous for many operations.</p> <p>Additionally, the C-WIP program will undoubtedly interfere with Pennsylvania's ability to implement its well-researched Phase 3 Watershed Implementation Plan. Pennsylvania has been making serious strides and a concerted effort to reduce its nutrient contribution to the Chesapeake Bay for quite a few years. Much progress has been made. No one doubts that more work is needed, but the C-WIP program shows little chance of achieving its desired result without a significant redrafting of this plan.</p>	<p>The Steering Committee aimed to select BMPs that are cost effective with a preference on keeping farmland in production as much as possible. Funding made available through the CWIP aims to fill gaps in existing funding programs to implement priority BMPs, so input from stakeholders on these funding and resource gaps is essential to strengthening the financing and implementation plan.</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

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248	<p>2) Programmatic & Numeric Implementation Commitments. NYSDEC has not adopted local planning goals for their jurisdictional WIP and this approach is supported by the USC. A watershed approach to implementation is working for NYS and allows us to implement practices across the watershed. The suggestion that milestones will be developed along with local load allocations for individual jurisdictions in the Conowingo WIP is very concerning for the USC, as this is not how we currently operate. We want to see the flexibility that we have with our jurisdictional WIP continue for the Conowingo WIP with watershed-wide goals, not county or local planning goals.</p> <p>In addition, more detail on EPA's expectations for the milestones would be useful to have in the final CWIP, so that jurisdictions can better anticipate upcoming expectations for implementation and re-reporting. More detail on the scale at which numeric BMP milestones will be required by jurisdictions would also be helpful; New York sets numeric BMP milestones at the state scale and would like to maintain flexibility on setting the scale to match with our existing program. Within the draft WIP, there is discussion on funding strategies, where it specifically states existing state programs could support the WIP effort. Please note that funds such as Ag Nonpoint Source Program funding are already being utilized to implement NY's jurisdictional goals, and this and other state funding programs are already oversubscribed, therefore new funding for implementation of these loads identified would be required in the financing strategy that is being developed.</p>	<p>This is an excellent point, and will be brought into the implementation planning effort. Some options may be to expand the CWIP geograpy, or to account for nitrogen reductions in New York State in a way that addresses the locatio of specific practices, but does not require specific jurisdictions to meet specific load targets.</p> <p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_pla n_steering_committee</p>
264	<p>Furthermore, those potential sources of financing Pennsylvania's conservation measures identified in Draft C-WIP are questionable in their current ability to provide adequate financing. Not only is the amount of money currently available through these sources insufficient to satisfy the extensive additional costs to be incurred. Any current or increased funds to be made available through these sources have already been contemplated for use in financing conservation measures to be pursued under</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit:</p>

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	<p>Pennsylvania's Phase 3 WIP. Any future dedication of Pennsylvania sources identified in the Draft C-WIP to attain C-WIP's nitrogen reduction goals will only diminish Pennsylvania's ability to effectively pursue and finance conservation measures contemplated in Pennsylvania's Phase 3 WIP.</p>	<p>https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
288	<p>B. Funding the CWIP should not draw funding away from state projects and programs needed to meet Bay clean-up goals. The Draft CWIP recognizes that a separate financing strategy is needed to accomplish the Plan's reduction goals and that, at least with regard to cost-share programs, existing state programs are "being fully utilized to meet [states'] Chesapeake Bay goals, and additional Conowingo funding would be required to increase capacity for CWIP implementation." (Draft CWIP at 20.) It is MAMWA's position that the CWIP should not be accomplished by diverting public funds from any of Maryland's Phase III WIP implementation efforts. Until a financing strategy is finalized, MAMWA is unable to evaluate the potential impact of the CWIP on funding for Phase III WIP efforts in Maryland.</p> <p>The December 10, 2020 Draft Conowingo Watershed Implementation Financing Strategy (Draft Financing Strategy) proposes the creation of a new "Conowingo Financing Authority" that will focus on three types of leveraging tools and processes: 1) bond financing, 2) state revolving loan fund financing, and 3) mitigation banking financing. The third tool is described more specifically as involving the use of public-private partnerships (P3s), which are expected to be the Authority's primary funding mechanism. These partnerships will be focused on infusing private capital in the near term in support of restoration practices, with the understanding that there would be a guarantee of public funding over the long term in support of the private upfront investment. (Draft Financing Strategy at 18-19.) MAMWA is</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
	<p>concerned that although the Draft CWIP acknowledges the continuing need for adequate funding for State Phase III WIP implementation efforts, the Draft Financing Strategy suggests that the Bay Partnership will be looking to “public funding” (presumably including the State of Maryland) to pay back private investments. As noted above, MAMWA generally supports implementing BMPs in the most efficient areas of the Watershed (largely in Pennsylvania), but we strongly oppose any attempt to siphon off dollars that are badly needed for wastewater projects in Maryland localities. As Maryland's Phase III WIP illustrates, the State of Maryland needs hundreds of millions of dollars to accomplish just the core WIP strategies, without addressing new climate change allocations through 2025. MAMWA's members rely on state funding for our nutrient upgrade projects, operation and maintenance needs, and other projects to benefit Bay water quality.</p>	

Comment ID	Comment	CIT Response
342	<p>A) 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</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
341	<p>7) Strong Support for Pilot/Demonstration Project. We believe the PSC should capitalize on this opportunity, which would give jurisdictions a chance to solicit proposals from private contractors and select those which are most cost-effective. The Draft Financing Strategy notes:</p> <p>"A pilot/demonstration project provides an opportunity for moving forward at scale. It can also be structured in a way to take advantage of PES procurement processes, which would in turn significantly reduce cash flow needs in the short-term. This will be extremely important as the Bay jurisdictions navigate what will certainly be a very difficult economic and budget environment moving forward. Reducing short-term cashflow requirements will enable state leaders to accelerate economic growth and development by speeding up implementation while Conowingo Watershed Implementation Plan Financing Strategy and also developing long-term revenue plans to address the Conowingo WIP in its entirety. A pilot project in the scale of \$50-\$100 million dollars is doable and manageable within both the public and private sectors."</p> <p>We concur and would suggest the following as part of any pilot project to allow it to proceed in the near term and to afford the opportunity to leverage private financing: a) structural BMPs to allow for multiyear financing, b) pre-determined payments upon completion of key success criteria over 3-5 years, c) bonding requirements to ensure capabilities of implementing firms, d) private financing with a public commitment to funding over time, e) include long-term monitoring and maintenance for 5-10 years, f) fixed price over the full term of the contract.</p>	<p>When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>

Comment ID	Comment	CIT Response
332	H. Timeline and Next Steps. 3) We agree with the statement in the draft Conowingo WIP that, “additional information such as when and how much funding will be available for [Conowingo] WIP implementation is needed to reinforce a timeline with sufficient reasonable assurance that it is achievable...”	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee
51	In addition to CWIP project funding, please consider funding for additional staffing that would be anticipated for the additional and separate tracking/accounting /review/reporting efforts.	When the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee

Geography

Comments received under the topic Geography are listed below with their responses. Primarily, the comments were focused on the cost-effectiveness of a limited geography, equity between implementation costs in urban versus rural/ag land uses, and the need to consider additional areas during the milestone development phase.

The CIT anticipates any revision to the CWIP will be based on information provided by the Steering Committee for inclusion in the Final CWIP document. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
14	Cecil County is a phase two MS4 our permit allows us to take credits for restoration projects that are implemented outside of our MS4 urbanized area.	Comment Acknowledged
17	The Conowingo WIP indicates that BMPs will not be proposed in MS4 regulated areas in Cecil counties. The MS4 area is border to border, the entire county	Comment Acknowledged
167	FAQ Documents, How were "priority" watersheds in the Conowingo WIP identified? (p. 51): Criteria used to identify priority watersheds is described in this section. Please note that efforts are underway in several jurisdictions as it relates to CAP development and implementation for prioritization of watersheds based on ground-truthing, local captured data, etc. that may not necessarily result in priority watersheds established at the local level aligning with priority watersheds identified through the criteria noted; as these jurisdictions are deliberately attempting to identify and prioritize watersheds where there are legitimate problems or real pollution loadings that need addressed.	While the Steering Committee considered a variety of geographies for the primary CWIP scenario, Steering Committee members came to full consensus on the geography included in the primary CWIP scenario which is defined as the "above-the-median, nitrogen-effective land-rive segments within the Susquehanna basin." Nitrogen effectiveness is a measure developed by the Chesapeake Bay Program partnership characterized by the impact to dissolved oxygen in the Bay from pollution loads originating from a specific landscape, and can help guide decision-makers to the locations where load reductions would be most effective at improving conditions in the Bay, and therefore where implementation would likely be most cost effective. The CWIP Steering Committee acknowledges that more work needs to be done to ground

Comment ID	Comment	CIT Response
		<p>these assumptions at the local level. The CWIP implementation team plans to work closely with local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) based on on-the-ground knowledge of what can be achieved locally.</p>
236	<p>Paragraph 1: The draft CWIP includes Delaware as a geographic option for BMP implementation in multiple scenarios. Delaware contributes zero (0) percent of the pollution loads that are delivered to the Conowingo Reservoir, and consequentially the Chesapeake Bay. As originally stated in Appendix T of the 2020 TMDL, "if future monitoring shows the trapping capacity of the dam is reduced, then EPA would consider adjusting the Pennsylvania, Maryland, and New York two-year milestone loads based on the new delivered loads" (US EPA, 2010; Appendix T, p. T-5). Delaware has consistently raised concerns – through the Principals' Staff Committee, Conowingo WIP Steering Committee and workgroup participation – about being held responsible for reducing Conowingo's loads. We are reiterating the email sent by us on October 1, 2020 to EPA R3, the Chesapeake Bay Program, the PSC Chairman, and the PSC Steering Committee leads, "Delaware's official stance is there will not be an obligation for Delaware to account for the Conowingo Dam's reduced ability to trap upstream pollution". Paragraph 2: Like many of the jurisdictional WIPs, the draft Conowingo WIP</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
	<p>integrates an adaptive strategy that builds upon successes, challenges, and innovations. However, the second piece of the CWIP, the CWIP Financing Strategy, states that its success is based off each state's voluntary financial investment into implementing the Conowingo WIP (CWIP). Given Delaware's resources are limited, and current economic challenges, any state resources diverted towards implementing the CWIP will impact Delaware's ability to meet our state Chesapeake Bay Watershed Implementation Plan (WIP) goals. Paragraph 3: We respectfully insist that that Delaware be removed from all geographic options in the CWIP and it be clearly defined in the CWIP and CWIP Financing Strategy that Delaware is not financially responsible for the implementation of the CWIP.</p>	
287	<p>A. MAMWA generally supports meeting nutrient reduction targets using cost-effective practices in land-river segments that have the greatest influence on Bay water quality. As noted above, MAMWA's members own and operate POTWs. MAMWA members are cautious stewards of local utility funds; we constantly strive to make capital improvements in the most cost-effective manner possible because we know that our citizens and local businesses and industries are financially supporting our work. Because of our local role, MAMWA generally supports the use of cost-effective practices, including things like natural filters, sustainable farm practices, and agricultural nutrient reduction practices to meet CWIP targets. MAMWA also generally supports targeting the land-river segments in the top two quartiles for relative effectiveness (based on nitrogen reduction) within the Susquehanna River Basin for the installation of such practices. Although this will not result in significant work being done in Maryland-- 95% of the reductions are projected to occur in</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
	<p>Pennsylvania—the concept of targeting BMPs in areas that will most directly impact the Conowingo Dam makes fiscal sense. Finally, MAMWA agrees that CWIP reduction goals should not be accomplished using BMPs that the states' Phase III WIPs have proposed be used to meet Chesapeake Bay TMDL targets. (Draft CWIP at 29, 30, 36.)</p>	
337	<p>3) Restricted Geography Will Raise Costs, Limit Effectiveness. The CWIP states the following on page 2: “To address efficiency and cost-effectiveness, BMP implementation is targeted to the Land-River Segments (LRSs) within the Susquehanna River basin that are most effective at delivering nitrogen to the Chesapeake Bay and, therefore, offer the best opportunity to improve conditions in the Bay by reducing nitrogen loads. More specifically, implementation is targeted to those areas where actions to reduce nitrogen locally have the greatest impact on increasing [dissolved oxygen (DO)] in the deepwater/deep channel areas of the Bay (i.e., the areas where achievement of water quality standards is most difficult).” If the goal is to reduce Nitrogen and increase DO in the water/deep channels of the Bay, then practices anywhere in the Bay should be eligible for consideration. The conclusion in the CWIP that it would be more cost-effective and efficient to target the LRSs in the Susquehanna is not well supported and indeed is contrary to most reports and views that recognize that the broader area for the adoption of solutions, the lesser the costs and the greater flexibility. We have found that by restricting the geography and practices, costs increase because suppliers raise prices in recognition that there are limited geographic options and a limited universe of</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
	<p>practices eligible for consideration. The CWIP should take advantage of all eligible practices in all areas that are directly-measured or modeled under the Bay Program. The CWIP should also seek to harness all innovative and cost-effective practices. If the PSC wanted to target some of the solutions to the immediate area around the dam, then it could perhaps target a particular percentage (i.e., 20 %) to those solutions but allow the remainder to be accomplished anywhere in the Bay. This would lead to more cost-effective solutions while also achieving some local targeted solutions.</p>	
369	<p>5. The draft CWIP raises equity concerns for urban residents. There are also really significant social and economic justice concerns related to the CWIP and the financing plan. This can be demonstrated by the choice the Principal Staff Committee made in selecting the proposed option, which was the 11th scenario for cleanup for Conowingo. This selected option, as opposed to some of the previous scenarios, focused almost exclusively on the installation of BMPs in rural, agricultural areas. This choice was based on these being the most cost-effective, i.e., the cheapest places for achieving nutrient reductions. So, there was an intentional choice not to have an equal distribution of pollution reductions across affected areas. And, the problems with this stand out much further when you attempt to consider the choices based on economic and social equity concerns. The urban and suburban areas of Maryland provide the great majority of state tax revenue (as well as federal tax revenue).²¹ Likewise, the cost of living in the urban and suburban areas is</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
	<p>significantly higher than in rural areas.²² This would suggest that these areas should warrant a higher cost BMPs in this jurisdiction to have some modicum of equity in application of state resources. Yet, the CWIP would direct that state resources are being spent to improve only "some" areas, those that are predominantly rural, agricultural and high majority white population areas. Rural agricultural areas do need assistance and funding, but it needs to be done in such a way that it doesn't shift the burden to other areas already struggling with their own pollution problems.</p>	
178	<p>As noted in our June 2020 correspondence on this topic, we support the chosen scenario because it is cost-effective and reflects actions in both urban and agricultural lands. Including urban areas provides some sector equity and also may be attractive to funders interested in improving urban communities. There are many co-benefits of urban green infrastructure like bioswales and trees, in terms of reducing the heat island effect, improving air quality, reducing greenhouse gases, etc., that could facilitate and encourage innovative financing. In addition, as noted in the draft WIP, on a broader basis, some of these best management practices (BMPs) i.e., wetlands creation and reforestation, can reduce the vulnerability of communities to the effects of climate change while helping restore water quality and ecosystem functions. We strongly support investment in these structural practices over annual practices like nutrient management and manure incorporation.</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
215	<p>The WIP III goals represent efforts that go “above and beyond” baseline implementation efforts. For example, in MASCD's WIP III comments regarding Soil and Water Quality Conservation Plans, we noted that “the current level of implementation is 923,896 acres per year and the WIP III sets a goal of 1,022,256 acres per year. This additional ~100,000 acres could require as many as 30 additional planners to achieve.” The Conowingo WIP addresses an important issue in the Chesapeake Bay Restoration Effort, but also complicates the push to meet WIP III goals, especially in Cecil, Harford and Baltimore counties. Introducing this new WIP alongside of the current Phase III WIP will not only require additional technical assistance and implementation funding, it also presents new challenges in communicating and tracking.</p>	<p>The Conowingo WIP plan development team is aware of concerns regarding capacity at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital.</p>
250	<p>1) Geography of the CWIP. While the decision was made by the Principal Staff Committee to target implementation of the CWIP in the most-effective basins for nitrogen, an additional analysis is recommended to examine the existing levels of implementation within the most-effective basins (at the land-river segment scale) and remaining opportunity for implementation. New York's local implementation partners have already indicated high levels of implementation within the most-effective basins in the New York portion of the Chesapeake Bay watershed. This additional analysis will assist with identifying remaining areas for implementation within the most-effective basins and will indicate if the geography will need to be expanded in New York in particular. It is also unclear in the document how these land-river segments can be properly targeted when jurisdictions report implementation at a larger scale (e.g. county scale).</p>	<p>The draft Conowingo Watershed Implementation Plan aims to focus outreach, funding, and implementation in the geographies included in the primary CWIP strategy where models indicate that load reductions locally will be most efficient at improving water quality in the Chesapeake Bay. The priority geographies included in the primary CWIP scenario are defined as the "above-the-median, nitrogen-effective land-rive segments within the Susquehanna basin." However, load reduction targets have not been set at the land-rive segment scale. Instead, the CWIP implementation team plans to work closely with PA DEP and local stakeholders to develop CWIP milestones (the first CWIP draft milestones are</p>

Comment ID	Comment	CIT Response
		<p>due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally. The draft does allow for the contingency of considering a broader geography, should periodic evaluations of CWIP progress find that load reductions are off track from meeting targets. The CWIP Steering Committee will review comments provided by stakeholders related to the identification of priority geographies during the CWIP revision process.</p>

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Implementation Capacity

Comments received under the topic Implementation Capacity are listed below with their responses. Primarily, the comments were focused on the need for more local capacity and funding, as well as the need to coordinate implementation with existing WIPs and county action plans.

The CIT does not anticipate revision to the CWIP based on these comments, but will incorporate these comments into our process for developing each set of two-year milestones. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
18	Resources and capacity are huge issues, even if Maryland districts and cooperators received money to implement BMPs. Districts do not currently have staff to provide the technical assistance to meet current needs, little alone meet needs created from additional BMPs to fulfill the WIP - Conowingo WIP	The Conowingo WIP plan development team is aware of concerns regarding capacity at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital.

Comment ID	Comment	CIT Response
41	<p>For the Baltimore County area of the watershed, funding is not a limiting factor in BMP implementation. Lack of on-the-ground capacity to implement BMPs (i.e., staff); a lack of outreach to get landowners and farmers in the watershed to implement BMPs; Conowingo is not a priority watershed in MD, and for federal funding for ag BMPs.</p>	<p>The Conowingo WIP plan development team is aware of concerns regarding capacity at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital.</p>
88	<p>Page 12: the last paragraph under Geography of the CWIP, states that BMP implementation is targeted to the most effective sub-basins. The PA Phase 3 WIP pilot counties did not meet their N reduction targets in their CAPs. Thus, it is unlikely that there will be additional lands within these counties to meet CWIP reductions.</p>	<p>The CWIP Steering Committee acknowledges that much has been done in Pennsylvania to develop CAPs in Tier 1 & Tier 2 counties aimed at meeting PA's Phase 3 Chesapeake Bay Watershed Implementation Plan (Phase 3 WIP) targets. Therefore, during the first CWIP milestone planning period (draft milestones due in November 2021) the CWIP implementation team will work closely with PA Dept. of Environmental Protection to integrate CWIP targets into planning in Tier 3 & 4 counties. CWIP could also be leveraged in the future to support planning and implementation in all priority CWIP geographies, to potentially identify new opportunities and provide additional resources toward nutrient load reductions,</p>

Comment ID	Comment	CIT Response
		that may be not been identified in earlier planning efforts.
165	<p>BMPs in the Primary CWIP Strategy (p. 32): The CWIP states “By targeting areas outside regulated MS4 lands, the CWIP avoids competing for projects or load reduction credits with local governments who are simultaneously working to achieve local MS4 and Chesapeake Bay WIP goals.” However, for the agriculture sector, this is where (outside the MS4 area) the majority of CAP reductions will need to be achieved already. Several counties are already approaching 80%-100% of available acres (or similar) for implementation of certain agricultural related BMPs, practices, and plans just to achieve (or nearly achieve) the CAP reductions. Simply providing this comment to express a concern that the available acreage for BMP implementation as contemplated by the CWIP may not exist (and this comment is tied to General Comment #1 to a certain extent).</p>	<p>The Steering Committee acknowledges that the CWIP implementation plan is heavily reliant on load reduction in Pennsylvania, in particular on agricultural land. Stakeholder input during public comment period has helped to provide insight on the feasibility of BMP implementation targets. Technical resources that will be created by the CWIP implimentation team and delivered to stakeholders within the primary CWIP geography aim to quantify the actual amount of land available for these BMPs and will further help to set BMP targets that are realistic. The CWIP implementation team plans to work closely with PA DEP and local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally.</p>

Comment ID	Comment	CIT Response
179	<p>We are mindful of concerns about “do-ability” in terms of increased costs of implementation and diminishing returns as you approach capacity in affected jurisdictions, especially Pennsylvania. However, the reality is that current levels of implementation in the scenario geographies leave substantial room for more implementation, so in the near-term, the likelihood of “saturating the market” so to speak, seems unlikely. If the partnership is able to attract private and public capital, in the near term, it will be important to spend it in areas that are cost-effective and in greatest need of implementation, hence the focus on Q1 and Q2 N effective basins in the Susquehanna watershed is appropriate.</p>	<p>The level of implementation identified in the draft plan was based in part on current or anticipated levels of implementation listed in CAST. Related to references to cost and public and private capital, when the Environmental Protection Agency solicited proposals, the development of a Finance Plan was a separate task from the development of the Conowingo WIP, with its own timeline for completion. This comment will be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
201	<p>NYSDEC has not adopted local planning goals for their jurisdictional WIP and this approach is supported by the USC. A watershed approach to implementation is working for NYS and allows for us to implement practices across the watershed. The suggestion that Milestones will be developed along with local load allocations for the Conowingo WIP is very concerning for the USC as this is not how we currently operate. We want to see the continued flexibility that we have with our jurisdictional WIP kept for the Conowingo WIP with watershed goals not county or local planning goals.</p>	<p>The CWIP Steering Committee acknowledges that much has been done to develop and implement jurisdictions' Phase 3 Chesapeake Bay Watershed Implementation Plans (Phase 3 WIP). Therefore, the Steering Committee recommends the CWIP support effective efforts that are currently underway. Rather than set targets at the local scale at this early stage of CWIP development, the CWIP implementation team plans to work closely with local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally.</p>

Comment ID	Comment	CIT Response
228	<p>With the challenges created by COVID-19, our MDA personnel were sent home in March, 2020 for mandatory telework. Although our MDA planners have been productive, we have been hampered by the field work limitations set by MDA. This will have an impact on our current goals to meet the 2025 WIP regarding conservation planning. (Presently, we are waiting on a MDA planner position which has not been filled. Because this will be an entry position, this new planner will need time to be trained. We anticipate that it takes up to two (2) years for a new planner to be proficient with planning with less supervision.) If we cannot meet the current WIP goals by 2025, this will impact or delay the goals which the CWIP may set.</p>	<p>The Conowingo WIP plan development team recognizes concerns regarding local capacity. Coordination between local efforts and the Conowingo WIP implementation team will be vital and the comment regarding the ambitious nature of the goals will be evaluated. Additional cost information that can be shared related to funding sufficient staff to meet the goals of the Conowingo WIP can be utilized as the overall CWIP process moves forward to financing and Milestone development. This comment will also be shared with the finance plan development team. For more information related to the finance plan, please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee</p>
229	<p>Presently HSCD has two (2) technician positions through the Chesapeake & Atlantic Coastal Bays 2010 Trust Fund. The funding for these two (2) positions will expire at the end of June, 2021. MDA is slated to create one (1) technician position and fill this by the end of January, 2021. Therefore, we anticipate that for fiscal year 2022, we will lose at least one (1) technician position. As a result, we will have less personnel to handle technical designs for agricultural BMPs which will contribute toward the goals set for WIP and CWIP.</p>	<p>The Conowingo WIP plan development team recognizes concerns regarding local capacity. Coordination between local efforts and the Conowingo WIP implementation team will be vital and the comment regarding the ambitious nature of the goals will be evaluated. Additional cost information that can be shared related to funding sufficient staff to meet the goals of the Conowingo WIP can be utilized as the overall CWIP process moves forward to financing and Milestone development. This comment will also be shared with the finance plan development team. For more information related to the finance plan,</p>

Comment ID	Comment	CIT Response
		please visit: https://www.chesapeakebay.net/who/group/conowingo_watershed_implementation_plan_steering_committee

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Comment ID	Comment	CIT Response
231	<p>Feasibility of Implementation -- Paragraph 1: A critical difference exists between the draft CWIP, as proposed, and that of a solution – feasibility of implementation. While the draft CWIP, according to output from the Chesapeake Assessment and Scenario Tool (CAST), meets the 6 million pound nitrogen reduction target, largely via proposed implementation of agricultural BMPs in the Commonwealth of Pennsylvania, the level of implementation required for many of those practices is strikingly high – significantly higher than any historical level of annual implementation within the geographic region of the CWIP. Under the draft CWIP the proposed annual level of implementation, measured in acres, for critical practices such as nutrient management (comprising nitrogen rate, placement, and timing) are up to 100 times the level of annual implementation that occurred between 2009 and 2019. It is simply unrealistic to expect that level of implementation to occur, even if sufficient funding were somehow realized. In stark contrast, enhancing the sediment trapping capacity through removal of sediment accumulated in the Conowingo Reservoir is feasible, tangible, quantifiable, and verifiable. Paragraph 2: To expedite the technical evaluation of enhancing sediment trapping capacity, we fully support the recommendation on p. 42 of the CWIP that states “The Steering Committee recommends that an expert panel be convened to scientifically evaluate and quantify load reductions from Maryland’s Conowingo dredging pilot.” Paragraph 3: To support work of the Expert Panel, historical information on Conowingo Reservoir sediment is rather robust (Lower Susquehanna River Watershed Assessment, Maryland and Pennsylvania, 2015; Langland, M.J., 2015; Journal of Environmental Quality, Special Section, The Conowingo Reservoir (various authors in multiple papers) 2015-2016; George Mason University, 2015; Zhang et al, 2016; Susquehanna River Basin Commission, 2006; and others). In combination with recent and future results from the Northgate Pilot Project, this information</p>	<p>The Conowingo WIP plan development team is aware of concerns regarding capacity at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital.</p>

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	<p>provides a strong basis for the Expert Panel to expeditiously quantify benefits of enhancing sediment trapping capacity, both large scale and incrementally. The charge of the Panel should be clearly articulated to build upon historical information, leverage ongoing work of the Pilot Project and quantify the nitrogen reduction (i.e., credits) associated with a given volume of removed sediment. We recommend that the Panel be directed to complete its work within calendar year 2021 with a report and recommendations submitted to the Chesapeake Bay Program Principals' Staff Committee by the end of 2021. We stand ready to assist the Panel to our fullest abilities.</p>	

Comment ID	Comment	CIT Response
239	<p>1. We have a concern that there will be an expectation of Lancaster County in the CWIP, and that in Lancaster County, at least, you may not be able to achieve your N reduction objectives with the limited opportunities that have not already been identified by our Countywide Action Plan (CAP). This plan, developed to support the Commonwealth's WIP and address the responsibility for the 21% of the entire state's N reduction allocated to Lancaster County, uses a reduction strategy that includes many of the BMPs you identify. The CWIP draft approach raises additional concern since your stated objective is to pursue the highest ROI BMPs. This is precisely the approach we are utilizing with an added caveat. We don't get to choose only the highest ROI approaches; we have 60 (+/-) BMPs in our CAP. Part of our ROI assessment is not only to achieve our CAP reductions but to achieve "Clean and clear water by 2040." To the extent that there is additional work required in the county to achieve the CWIP reductions a collaborative, coordinated approach must be established. Absent of that approach, the likely outcome is an inefficient competitive framework that will undermine our current efforts. We strongly recommend that the Conowingo WIP not be implemented at the expense of local pre existing programming and planning goals.</p>	<p>The Conowingo WIP was developed using a baseline that assumed each jurisdiction's Phase III WIP had been fully implemented. The Conowingo WIP team will coordinate with and offer technical assistance to those counties developing local plans to eliminate competition and ensure a collaborative and coordinated approach is established.</p>
256	<p>To successfully achieve the goal of reducing nutrient and sediment to the Chesapeake Bay, both Watershed Implementation Plans must complement each other and not compete over the same resources. To do so, the Conowingo team must actively engage those that are responsible for overseeing state-specific WIPs. This will not only reduce potential overlaps in effort but ensure the consistency of program delivery to our constituents. Specifically, each jurisdiction should have the ability to work with the Conowingo team to further refine the plan prior to implementation. This not only includes the suite of practices being considered but the level to which these</p>	<p>The Conowingo WIP was developed using a baseline that assumed each jurisdiction's Phase III WIP had been fully implemented. The Conowingo WIP team will coordinate with and offer technical assistance to those counties developing local plans to eliminate competition and ensure a collaborative and coordinated approach is established.</p>

Comment ID	Comment	CIT Response
	<p>practices can be practically implemented, as well. For instance, we are concerned about the use of nutrient management practices in the draft plan as those practices are already a regulatory requirement in Maryland. Furthermore, we need to recognize and ensure equity exists among the source sectors to address the necessary reductions. In addition we need to develop a unified program delivery strategy to eliminate the redundancy in outreach efforts. Finally, market based approaches, such as nutrient trading and ecosystem services, need to be explored as an alternative to traditional cost-share programs.</p>	
285	<p>The Conowingo WIP is a multi-jurisdictional effort. At this point, it does not seem clear what other states are planning to do as part of the joint effort or which jurisdictions are responsible for aspects of the plan. In Pennsylvania, we have already set out to achieve milestones on state WIP with limited resources and caution against any effort that could cause this to be viewed as a competing priority to the established strategies that are already underway.</p>	<p>In 2017, the Principals' Staff Committee (PSC) agreed to address these Conowingo pollution loads through a separate Conowingo Watershed Implementation Plan (CWIP) that all jurisdictions would work collectively to achieve by pooling partnership resources. The CWIP is a Bay-wide effort, committed to providing resources to draft, finance, implement, and track the progress toward achieving load reductions. While the Steering Committee considered a variety of geographies for the CWIP scenario, Steering Committee members ultimately came to full consensus on the geography included in the primary CWIP scenario which is defined as the "above-the-median, nitrogen-effective land-rive segments within the Susquehanna basin." The analysis indicates that load reductions in these locations would be most effective at improving conditions in the Bay, and therefore where implementation would likely be most cost effective. The Steering</p>

Comment ID	Comment	CIT Response
		<p>Committee acknowledges that CWIP implementation is heavily reliant on load reduction in Pennsylvania and that more work needs to be done to ground these assumptions at the local level.</p>

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Comment ID	Comment	CIT Response
292	<p>Our overarching concerns with the draft Conowingo WIP include:</p> <p>3) Relationship with Pennsylvania's Phase 3 WIP: We have several concerns, detailed below, about how implementation of the Conowingo WIP will impact on implementation of Pennsylvania's Phase 3 WIP – including the Countywide Action Plans, particularly regarding reporting and crediting of BMPs and regarding perceived and real competition between the two WIPs for BMPs in high-priority and high-impact locations.</p>	<p>Developing and implementing a CWIP strategy that is additive to all Bay jurisdictions' Phase 3 WIP targets is necessary to offset the additional 6 million pounds of nitrogen entering the Bay annually that was not originally accounted for when the Phase 3 WIP targets were set, due to faster-than-expected infill of the sediment behind the Conowingo Dam. Only when both the PA Phase 3 WIP and the CWIP are fully implemented will oxygen levels in the Bay support thriving fish and wildlife. The Steering Committee acknowledges that more needs to be done in the draft CWIP to illustrate the relationship between the CWIP and the Phase 3 WIP, and the opportunities for new and complementary resources to improve local water quality that the CWIP may provide. Stakeholder input during public comment period has helped to provide insight on the feasibility of BMP implementation targets. Only the load reductions achieved using funding originating from the CWIP financing strategy will receive credit toward achieving the CWIP nutrient reduction targets. To ensure that credits for load reductions are assigned to the appropriate WIP and that reporting is streamlined with existing reporting efforts, the EPA Chesapeake Bay program has entered into a 6-year cooperative agreement with a team led by Chesapeake Conservation (referred to as Activity 3 team, including partners The</p>

Comment ID	Comment	CIT Response
		<p>Commons and Center for Watershed Protection) tasked with Tracking, Verifying, and Reporting Implementation of CWIP and Two-year Milestones.</p>
301	<p>C. Comprehensive Local, Regional, and Federal Engagement Strategies and Commitments. 3) Given that the same local partners will be key to the success of Pennsylvania's Phase 3 WIP and the success of the Conowingo WIP, and given that these same partners dedicated considerable time and energy toward developing ambitious, but achievable, goals for Pennsylvania's Phase 3 WIP, thoughtful and strategic communications about the Conowingo WIP will be needed to mitigate the risk that key partners perceive the goals of the Conowingo WIP as an additional burden that they will need to shoulder after they already put their best foot forward toward developing and implementing the goals of Pennsylvania's Phase 3 WIP.</p>	<p>The CWIP Implementation team will work closely with each jurisdiction to support local partners in their planning and implementation efforts toward achieving nutrient load reductions.</p>

Comment ID	Comment	CIT Response
325	<p>E. Primary Conowingo WIP Strategy. 11) While the multi-jurisdictional approach of the draft Conowingo WIP has many positive aspects, it does create challenges in a number of different areas, including: the potential double-counting/crediting of BMPs; potential competition for farms/farmers willing to install high-priority BMPs in high-priority locations; and questions regarding whether there is enough geographic space within the Chesapeake Bay model to apply and credit all the BMPs required under Pennsylvania's Phase 3 and the Conowingo WIP. These challenges, coupled with the Conowingo WIP's stated goal of targeting the most effective BMPs in the most effective locations, could create significant competition between traditional costshare programs in Pennsylvania and projects funded under the Conowingo WIP. This competition could actually drive costs up, rather than reduce costs.</p>	<p>The Conowingo WIP was developed using a baseline that assumed each jurisdiction's Phase III WIP had been fully implemented. The Conowingo WIP team will coordinate with and offer technical assistance to those counties developing local plans to eliminate competition and ensure a collaborative and coordinated approach is established.</p>
343	<p>B) 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</p>	<p>The Conowingo WIP was developed using a baseline that assumed each jurisdiction's Phase III WIP had been fully implemented. The Conowingo WIP team will coordinate with and offer technical assistance to those counties developing local plans to eliminate competition and ensure a collaborative and coordinated approach is established.</p>

Comment ID	Comment	CIT Response
	<p>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.</p>	
401	<p>The CWIP should outline what infrastructure are needed (government staff, non-government/private sector staff, funding, technical administration) to carry out the goals at the local level.</p>	<p>Stakeholder input during public comment period has helped to provide insight on the feasibility of BMP implementation targets. Technical resources that will be created by the CWIP implementation team and delivered to stakeholders within the primary CWIP geography aim to quantify the actual amount of land available for these BMPs and will further help to set BMP targets that are realistic. The CWIP implementation team plans to work closely with PA DEP and local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally.</p>

Comment ID	Comment	CIT Response
434	Competition for project sites will still occur since the County CAPs are simultaneously working within MS4s and outside the urbanized areas to identify project areas.	Technical resources that will be created by the CWIP implimentation team and delivered to stakeholders within the primary CWIP geography aim to quantify the actual amount of land available for these BMPs and will further help to set BMP targets that are realistic. The Steering Committee acknowledges that more needs to be done in the draft CWIP to illustrate the relationship between the CWIP and other programs and policies aimed at reducing pollutant loading to local waterways.
437	This WIP's story is beautiful and if it came to fruition would be amazing. From the vantage point of someone in the field it sounds like a fantasy. Obviously these are proven BMPs and the geographical area that you have chosen will result in the best bang for your buck in terms of nitrogen reduction. The how of getting this to become reality seems vague and a fantasy story. Neither York or Lancaster have been able to meet their nitrogen reduction targets, yet somehow you plan on finding more nitrogen reductions. Also, the "creative" funding sounds like BS, unless you have some sort of money tree that we are not aware of, any money you receive could have gone to our work. I know this seems strong, but I am feeling frustrated.	Comment Acknowledged
438	The York CAP identified all existing lands to implement the County CAP. There isn't really a lot of land "left over" to host more improvements needed for the Conowingo WIP.	Stakeholder input during public comment period has helped to provide insight on the feasibility of BMP implementation targets. Technical resources that will be created by the CWIP implimentation team and delivered to stakeholders within the primary CWIP geography aim to quantify the actual amount of land available for these BMPs and will further help to set BMP targets that are realistic. The CWIP implementation team

Comment ID	Comment	CIT Response
		plans to work closely with PA DEP and local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally.
190	The Plan does not clearly identify responsibility for funding and implementation, and will fail without providing guidelines for how that responsibility will be divided among public agencies and private entities. We are also concerned that alternatives are already being evaluated –including another evaluation of dredging feasibility and even extending the timeline beyond 2025 – that would delay implementation as soon as possible and to the maximum extent possible.	At this time, the reduction goals are the responsibility of the Chesapeake Bay Program partnership. How the CWIP will be funded is still being determined through the development of the Financing Strategy (the Draft Financing Strategy can be found here: https://www.chesapeakebay.net/channel_files/42330/cwip_financing_structure_final.pdf). The CWIP is designed to be an iterative and achievable process. The inclusion of contingencies and/or alternative options is not intended to delay project implementation, but to acknowledge that more information may become available or conditions may change over the lifetime of the plan. If that occurs, the CWIP will be better positioned to adapt to these changes.
197	I realize there is a financing strategy being developed, however financing was also mentioned in the WIP which suggested utilizing existing state resources such as the Ag Nonpoint Source Program. I think it's important to note that we are already utilizing state funding resources for implementation of our jurisdictional WIP, and the programs are already oversubscribed so there needs to be new funding for implementation of these loads.	The Steering Committee aimed to select BMPs that are cost effective with a preference on keeping farmland in production as much as possible. Funding made available through the CWIP aims to fill gaps in existing funding programs to implement priority BMPs.

Comment ID	Comment	CIT Response
141	<p>Hello! I am a dairy farmer from NE Pennsylvania. C-WIP would require Pennsylvania to perform nearly all of conservation measures needed to offset the estimated effects of nitrogen pollution to the Bay caused by the Conowingo Dam. Of the 6.72 million pounds in nitrogen pollution that the Dam is contributing to the Chesapeake Bay, C-WIP would direct that 6.41 million pounds of reduction – 95.4 percent – be achieved through additional conservation measures performed in Pennsylvania. And Pennsylvania's agriculture sector would be expected under C-WIP to achieve 5.69 million pounds – 84.7 percent – of the total offset needed.</p> <p>C-WIP's estimates represent nitrogen pollution offsets to be achieved at "edge of tide," or essentially at points where waters enter the Chesapeake Bay. To achieve C-WIP's required level of 6.41 million pounds nitrogen reduction at "edge of tide", Pennsylvania would need to perform measures that reduce nitrogen pollution by an additional 9.48 million pounds at home (at the location where they are performed). And Pennsylvania's agriculture sector would need to perform at-home measures that reduce nitrogen by an additional 8.40 million pounds. • C-WIP estimates that \$53.3 million in additional costs would be incurred annually to achieve its goals for additional nitrogen reduction, with \$50.52 million in additional costs to be incurred annually through performance of additional conservation measures by Pennsylvania and \$45.44 million annually incurred through additional measures performed by Pennsylvania's agriculture sector.</p> <p>C-WIP does not offer any specific, realistic or viable way for Pennsylvania to carry out the extensive tasks directed for Commonwealth to perform, nor any viable solution to the obvious and serious administrative and financial challenges that will arise from pursuit of C-WIP's nitrogen reduction goals. The glaring failure of C-WIP to offer any specific or realistic means to achieve nitrogen reduction goals or any viable solution to</p>	<p>To develop a new financing strategy, the EPA Chesapeake Bay Program has entered into a 6-year cooperative agreement with a team led by Chesapeake Bay Trust (referred to as the Activity 2 team, Partners include Center for Global Sustainability/School of Public Policy at the University of Maryland; Throwe Environmental, LLC; others) whose charge it is to Develop and Propose a Comprehensive CWIP Financing Strategy and Associated Implementation Plan. Only the load reductions achieved using funding originating from the CWIP financing strategy will receive credit toward achieving the CWIP nutrient reduction targets. The CWIP Steering Committee acknowledges that much has been done in Pennsylvania to develop load reduction targets at the county-scale aimed at meeting PA's Phase 3 Chesapeake Bay Watershed Implementation Plan (Phase 3 WIP) targets. Therefore, during the first CWIP milestone planning period (draft milestones due in November 2021) the CWIP implementation team will work closely with PA Dept. of Environmental Protection to integrate CWIP targets into planning into these local efforts. CWIP could also be leveraged in the future to support planning and implementation in all priority CWIP geographies, to potentially identify new opportunities and provide additional resources toward nutrient load reductions, that may be not been identified in earlier planning efforts.</p>

Comment ID	Comment	CIT Response
	<p>overcome these obvious and serious challenges strongly suggests that responsibility for C-WIP's additional administrative and financial cost burdens will be predominantly be borne by Pennsylvania and Pennsylvania alone.</p> <p>Administrative and financial resources needed to achieve C-WIP will most likely conflict with those needed by Pennsylvania to successfully carry out its state Watershed Implementation Plan (WIP) for Phase 3. Pennsylvania's Phase 3 WIP was developed through an extensive, grass-roots engagement of state and local officials and citizens. The process and product of Pennsylvania's Phase 3 WIP reflects a positive and confident spirit that conservation measures recommended in the WIP can be successfully performed, achieved and financed. Attempts by C-WIP to place such extensive and additional responsibility for nitrogen reduction on Pennsylvania will likely be a serious blow to the morale and confidence that has been built among Pennsylvanians during the Phase 3 WIP's development and initial stages, and will threaten the future will of Pennsylvanians to proactively pursue the measures and goals outlined in Pennsylvania's WIP.</p> <p>Those involved in drafting C-WIP need to start over in redrafting C-WIP to provide a much more specific, practical and administratively and financially viable plan.</p>	

Comment ID	Comment	CIT Response
368	<p>4. The Draft CWIP in its current form presents great uncertainty and inequities regarding TMDL impacts. Most Bay states are not on track to meet the TMDL timeline. The Susquehanna states—NY, PA and MD are currently in the worst shape in terms of meeting TMDL targets. [...] As no politically palatable or feasible funding source was identified for the CWIP, the nitrogen, phosphorus, and sediment loads at the Dam will need to be allocated among the other states. (As explained by Bryan Seipp in the Dec. 4th CAC meeting.) This will stack yet another load on top of their current gaps, their Phase III requirements, and the climate loads. These additional loads could be catastrophic for the progress and success of the TMDL. The first “guiding principle” in the draft CWIP is fairness—“fairness, equity, and feasibility among state, local, and federal and other partners participating in the CWIP regarding level of effort, financing, tracking, resource sharing, and third-party access.” We cannot square this admirable goal with the draft proposal and financing strategy before us. Most of the Bay partner states were not involved in processes with the Dam’s owner where funds for cleanup could have been secured. Because those funds were not obtained in those processes, there is a high likelihood that the other states (some of which have little to no connection to the Susquehanna) will be taking on these loads and bearing the costs of cleanup.</p>	<p>The Conowingo WIP plan development team is aware of concerns regarding capacity at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital</p>
398	<p>I understand this was outside of the current CWIP scope, but the language about the potential for reassigning loads is concerning, especially since the MD pilot study has not yet fully evaluated the costs and benefits associated with dredging. As you mentioned, there are time and capacity challenges with implementing state level WIPs.</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
188	<p>Many of our stakeholders are most concerned about the lack of specific county-specific goals. They are uneasy at the idea of a public document holding them accountable for meeting goals without exact targets explicitly listed in the CWIP, as they are in the county plans. Franklin County residents would like to see targets for Franklin County reductions in the CWIP and have a chance to comment on those targets before the final copy of the CWIP is submitted and published.</p>	<p>The Steering Committee acknowledges that CWIP implementation is heavily reliant on load reduction in Pennsylvania. While the draft CWIP does model load reductions from jurisdictions and sectors, no modelling as been completed at the county scale, nor have implementation targets been set at the county scale. Rather than set targets at the local scale at the early stages of CWIP development, the CWIP implementation team plans to work closely with PA DEP and local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally. The CWIP is considered a partnership approach to reducing pollutant loading and jurisdictions and localities are not accountable for achieving the load reductions as described in the plan. However, should periodic evaluations of CWIP progress find that load reductions are off track from meeting targets, the EPA could implement the contingency plan, including assigning load reductions back to the jurisdictions which may then choose to allocate load reductions to the counties.</p>

Implementation Programs

Comments received under the topic Implementation Programs are listed below with their responses. Primarily, the comments were focused on the need to eliminate redundancies and provide more technical support to jurisdictions. The CIT anticipates minor revisions to the CWIP based on these comments and will incorporate these comments into our process for developing each set of two-year milestones in Phase 2 of this project. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
98	Page 41, under "Contingency Plans and Opportunities": These contingencies, with the exception of dredging and sediment reuse, appear to be different "recipes" to "feed the same crowd" with no real plan to accomplish what is desired.	Comment Acknowledged
106	The PA WIP states that compliance alone will not get to the WIP goals. Now the CWIP is stating above and beyond the PA WIP is needed to accomplish its goals. PA has not reached compliance nor has a plan been released on how this milestone will be reached. So a process that needs to be achieved for PA appears to be: 1) compliance, 2) above and beyond compliance for PA 2025 goals, 3) above and beyond PA WIP goals for CWIP.	While the CWIP does not focus on regulation, compliance and enforcement at this time, the Steering Committee acknowledges that more needs to be done in the CWIP draft to illustrate the relationship between the jurisdictional Phase 3 WIPs and the CWIP.
180	Specific Comment 1: Include the legal justification for the additional load reductions. In order to achieve downstream water quality standards, achievement of the additional load reductions, due to the lost trapping capacity at Conowingo, is essential. The Conowingo WIP document should contain a section outlining the legal underpinnings for the need to achieve these additional load reductions.	The legal justification includes the federal Clean Water Act (https://www.epa.gov/laws-regulations/summary-clean-water-actrequirements) and the 2010 Total Maximum Daily Load (TMDL) (https://www.epa.gov/chesapeake-bay-tmdl). Within the TMDL is Appendix T, which notes that "if future monitoring shows the trapping capacity of the dam is reduced, then EPA would consider adjusting the Pennsylvania, Maryland, and New York two-year milestone loads based on the new delivered loads" (US EPA, 2010; Appendix T, p. T-5).

Comment ID	Comment	CIT Response
194	<p>The Plan should make a stronger representation of volunteer-aided programs such as 'Riparian Rangers' and the League's 'Save our Streams' program which would add tremendous cost-effective assistance for inspecting and assuring that implemented projects are meeting designed goals. More information about the programs can be found at: www.allianceforthebay.org/ourwork/key-program-focuses/building-stewardship/riparian-rangers/ and www.iwla.org/water/stream-monitoring.</p>	Comment Acknowledged
208	<p>Performance based contracts encourage the cheapest solutions not necessarily the best solution; something to consider when drafting the plan.</p>	Comment Acknowledged
220	<p>Performance-based contracting, p. 22: Project financing for performance-based contracting require nutrient load reduction calculation protocols that are not within the capabilities of CAST. CWIP and the CBP should prioritize development of calculation protocols for performance-based solutions such as monitored MTT systems. Without these protocols, developers cannot assess investment economics need to offer solutions. These protocols should be developed in early 2021 to support the CWIP project planning timeline.</p>	Comment Acknowledged
225	<p>We need to avoid redundancy. The premise for the current 2025 Watershed Implementation Plan (WIP) covers the similar goals to reduce sedimentation, nitrogen, and phosphorus within the watershed of the Chesapeake Bay through conservation plans and BMP implementation with farmers. The Susquehanna River which runs through the Conowingo Dam, discharges into the Bay. So in essence, the WIP is achieving the intent of what is envisioned by the CWIP. For instance, we want to avoid generating separate conservation plans.</p>	<p>The Conowingo WIP plan development team is aware of concerns regarding coordination at the local level. Throughout the Conowingo WIP planning process, key state agencies (i.e. Agriculture, Environment, Natural Resources) were briefed and feedback solicited to ensure they understood the goals of the plan. The Conowingo WIP is a separate program that is independent of existing local WIP efforts, but is intended to align with local level ongoing activities. Additionally, the Conowingo WIP may engage in projects in areas that local</p>

Comment ID	Comment	CIT Response
		efforts may not be focused on or had success in, so coordination between local efforts and the Conowingo WIP implementation team will be vital.
340	6) Efficiencies from Performance-Based Contracting. We concur that using performance-based contracting, or payment for ecosystem services (PES), will promote efficiencies during implementation. As noted in the Draft Financing Strategy, PES procurement processes enable public institutions to transfer much of the implementation risk associated with restoration practices to the private sector. PES systems require private sector firms to use private capital to design, implement, and operate and maintain restoration practices. In Maryland, performance-based contracting has spurred innovation resulting in new technologies being deployed for nutrient reduction. The state's Clean Water Commerce Act grant program has funded large-scale oyster reefs more than a mile of stream restoration, with payments occurring only after verifying annual nutrient reductions.	Comment Acknowledged
385	(page 15) It is highly recommended that communications (in the near future) spell out very clearly to Pennsylvania POTW permittees and MS4 permittees how an adopted CWIP will impact them (e.g. changes to current and/or future Pollutant Reduction Plan (PRP) requirements, etc.).	The primary CWIP scenario in the draft CWIP does not include implementation of practices on land currently under MS4 regulation, nor on publicly owned treatment works. Urban practices are focused only on lands classified as urbanized areas that are outside of MS4 boundaries. However, the Steering Committee acknowledges that more needs to be done in the draft CWIP to illustrate the relationship between the CWIP

Comment ID	Comment	CIT Response
		and other programs and policies aimed at reducing pollutant loading to local waterways.
218	Maryland's SCDs have been essential partners of the Chesapeake Bay Restoration Effort and have advocated for the resources needed to meet BMP implementation goals. MASCD encourages the Chesapeake Bay Program to carefully consider and 1) equity issues in relying on the ag sector for nearly the entire nutrient reduction, 2) the additional technical and financial assistance needed to meet new goals, and 3) the complexity of communication and tracking efforts needed to adopt a new WIP alongside of the WIP in progress.	Comment Acknowledged

Outreach & Education

Comments received under the topic Outreach and Education are listed below with their responses. Primarily, the comments were focused on the need for more outreach and education across jurisdictions through the next phase of this project. The CIT does not anticipate revision to the CWIP based on these comments, but will review and evaluate education and outreach strategies and their effectiveness to achieve the level of engagement expected at the end of each phase of this project to remain consistent with an adaptive management approach. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
89	Page 15: in the summary table, it should be noted that 8 of the Fall 2020 workshops were in PA, 4 were in MD, and 1 was in NY.	We will clarify the language describing stakeholder outreach during the public comment period in the draft CWIP.
97	Page 33: The first sentence of the first paragraph reads, "As this CWIP strategy serves as a starting point for outreach and coordination with local stakeholders..." Local stakeholders should be defined. If this includes local landowners, this is especially important since the CWIP and CAPs are looking for sites to implement BMPs at the exact same time. Competing for sites is not beneficial for either effort. There is a need to elaborate on how coordination will occur.	We will clarify the language describing the key stakeholders with whom the CWIP implementation team intends to engage for planning and implementation purposes. It is the CWIP Steering Committee's intention to collaborate with efforts underway by expanding on efforts and filling resource gaps. We will elaborate more on coordination in the document.
109	Need to educate everyone on how this effort builds on our individual county CAP efforts, but does not change our local goals and efforts. The need to explain that the Conowingo effort is 6 million pounds N over and above the State goal is important. Any efforts the CWIP accomplishes in PA Chesapeake Bay counties will help improve local waters, but not help to achieve the local CAP N targets.	The CWIP implementation team will work closely with PA Dept. of Environmental Protection to integrate CWIP targets into local planning and implementation efforts. The Steering Committee acknowledges that more needs to be done in the draft to explain how the CWIP will support Pennsylvania's County Action Plan efforts and how CWIP reductions will relate to Pennsylvania's Phase 3 WIP and CAP targets.

Comment ID	Comment	CIT Response
148	<p>General Comment 2. The CWIP provides an over-arching outreach and engagement strategy that can be considered "vanilla" or a continuation of the status quo for education and outreach approaches. The status quo has resulted in limited success (qualitative observation) with improving the desire, participation, change in daily activities, etc. of the general public-at-large with pursuing efforts that result in improved local water quality or protecting natural resources in a manner necessary to help the Bay both immediately and over the long-term (note: a recent survey conducted by Water Words That Work resulted in only 12% of the respondents able to express an understanding what a watershed is). At the end of the day, our outreach strategies that have been in place for the past 10-15 years may have hit a wall and has only been effective with 10%-15% of the population. Outreach strategies may need to be re-imagined and/or significantly expanded upon to result in overcoming current hurdles and effectively reach more than 10%-15% of the population to realize improvements contemplated by the CWIP in conjunction with current local efforts as it relates to the Pennsylvania Phase 3 Chesapeake Bay Watershed Implementation Plan and individual Countywide Action Plans (CAPs).</p>	<p>The CWIP Steering Committee acknowledges that much has been done to develop and implement jurisdictions' Phase 3 Chesapeake Bay Watershed Implementation Plans (Phase 3 WIP). Therefore, in the early stages of milestone planning (draft milestones due in November 2021) the Steering Committee recommends the CWIP work in conjunction with efforts underway to deliver messaging to landowners.</p>
159	<p>Phase 1: Draft CWIP (2020 - 2021) (page 15): It is highly recommended that communications (in the near future) spell out very clearly to Pennsylvania POTW permittees and MS4 permittees how an adopted CWIP will impact them (e.g. changes to current and/or future Pollutant Reduction Plan (PRP) requirements, etc.).</p>	<p>The primary CWIP scenario in the draft CWIP does not include implementation of practices on land currently under MS4 regulation, nor on publicly owned treatment works. Urban practices are focused only on lands classified as urbanized areas that are outside of MS4 boundaries. However, the Steering Committee acknowledges that more needs to be done in the draft CWIP to illustrate the relationship between the CWIP and other programs and policies aimed at</p>

Comment ID	Comment	CIT Response
		reducing pollutant loading to local waterways.
216	<p>Communicating a new WIP and additional nutrient reduction goals will be a challenge within the ag community, especially given that current goals are already "above and beyond" current implementation, and that nearly 100% of the added reductions fall on the agricultural sector. Adding to current nutrient reduction goals may also be seen as "shifting the goalposts". It is also unclear why the plan includes small watersheds within these counties that are outside of the Conowingo watershed.</p>	<p>The Conowingo WIP plan development team acknowledges that more work will need to be done to ensure the agricultural community understands that implementing the CWIP is the responsibility of the partnership and that participation in the CWIP process will create additional funding opportunities for BMP implementation across both the agricultural and urban sectors. While scenarios were considered that included subwatersheds outside of the Susquehanna River basin, the final "Primary Conowingo WIP Strategy" selected scenario does not. If there is an error in the subwatersheds that were included in this strategy, please follow up with the Conowingo WIP plan development team.</p>

Comment ID	Comment	CIT Response
266	<p>We fear that finalization of the Draft C-WIP at this time in its current or similar form will be a serious and perhaps fatal setback to the high improvement in morale and personal commitment to water quality improvement in the Bay watershed that has occurred among those Pennsylvanians during the Phase 3 WIP development process and initial stages of implementation. The Draft C-WIP's attempt to assign to Pennsylvania additional responsibility for performance of measures to offset the pollution effects of the Conowingo Dam will likely be perceived by governmental officials and stakeholders involved in implementation of Pennsylvania's Phase 3 WIP as another indiscriminate attempt by federal forces to generate additional environmental debt loads for Pennsylvania and its citizens, dashing the collective will and commitment to move appreciably forward in implementation of Pennsylvania's WIP and seriously diminishing the credibility of those governmental officials and citizens who are leading Pennsylvania's effort. We believe the likelihood of emergence of this perception among Pennsylvanians is high, given the animosity that has arisen in the past between the Commonwealth and EPA on Bay matters and the absence of any real attempt in the Draft C-WIP to identify a viable means to administratively or financially accomplish the draft's envisioned goals.</p>	<p>The Conowingo WIP plan development team acknowledges that more work will need to be done to ensure the community understands that implementing the CWIP is the responsibility of the partnership and that participation in the CWIP process will create additional funding opportunities for BMP implementation across both the agricultural and urban sectors.</p>
291	<p>Our overarching concerns with the draft Conowingo WIP include: 2) Engagement. Key local and regional partners in each sector were at the center of development of Pennsylvania's Phase 3 WIP and those partners are crucial for the successful implementation of Pennsylvania's Phase 3 WIP. We appreciate the engagement that has already been conducted for the Conowingo WIP and we strongly believe that substantial, sustained, and strategic engagement of key partners will be crucial for the success of the Conowingo WIP.</p>	<p>The success of the CWIP requires fulfillment of the EPA expectation for all WIPs to include a comprehensive strategy to engage local, regional, and federal partners in WIP implementation. The measures taken to adopt and implement nutrient load reduction strategies need to be representative of the available local capacity, and technical and financial resources to achieve the desired outcomes. This requires broad-based local community</p>

Comment ID	Comment	CIT Response
		support that is guided and coordinated by jurisdictional agencies. The CWIP Steering Committee and Implementation Team are committed to continued engagement with key partners throughout planning and implementation of the CWIP.
302	C. Comprehensive Local, Regional, and Federal Engagement Strategies and Commitments. 4) Outreach and engagement strategies for the Conowingo WIP must include input from key agency and partner organizations.	The CWIP outreach strategy commits substantial resources to ensure ongoing engagement from jurisdictions throughout the draft CWIP development, milestone planning, and implementation phases of the CWIP. Consistent with the adaptive management approach, there will be a review and evaluation of the strategies and their effectiveness to achieve the desired level of engagement with the completion of each phase.
390	2. The CWIP provides an over-arching outreach and engagement strategy that can be considered “vanilla” or a continuation of the status quo for education and outreach approaches. The status quo has resulted in limited success (qualitative observation) with improving the desire, participation, change in daily activities, etc. of the general public-at-large with pursuing efforts that result in improved local water quality or protecting natural resources in a manner necessary to help the Bay both immediately and over the long-term (note: a recent survey resulted in only 12% of the respondents understanding what a watershed is). At the end of the day, our outreach strategies that have been in place for the past 10-15 years may have hit a wall and has only been effective with 10%-15% of the population. Outreach strategies may need to be re-imagined	The CWIP Steering Committee acknowledges that much has been done to develop and implement jurisdictions' Phase 3 Chesapeake Bay Watershed Implementation Plans (Phase 3 WIP). Therefore, in the early stages of milestone planning (draft milestones due in November 2021) the Steering Committee recommends the CWIP work in conjunction with efforts underway to deliver messaging to landowners.

Comment ID	Comment	CIT Response
	and/or significantly expanded upon to result in overcoming current hurdles and effectively reach more than 10%-15% of the population to realize improvements contemplated	
392	Regarding the Nitrogen Reduction Effectiveness Map: I can see nitrogen effectiveness being an important element for evaluation of funding BMPs. I'm thinking it may be a bit more challenging from a communications perspective since the units of Nitrogen relating directly to Dissolved Oxygen is different than what has been used in the communications counties and DEP have been using.	Comment Acknowledged
393	It also relates more directly to the Bay, whereas a lot of our messaging has been focused on local water quality and co-benefits of implementation. The cost-effective geography in PA also includes counties that are lower tier in terms of overall load reduction assignment. It may be helpful to include mapping with units in terms of overall Nitrogen reduction targets as well so that BMP effectiveness and local water quality benefits were clearer to local stakeholders. In broader terms I'm noting the challenge of communicating to our stakeholders about this separate CWIP and wondering broadly about the integration of these planning processes.	Comment Acknowledged
258	The Head of Chesapeake Watershed Alliance would also like to register a concern about the need for collaboration and partnership between the managers of this new WIP and those that are already in place in the various States. The project team only supports partners with the CGS, and not local stakeholders or other organizations dedicated to monitoring water quality, habitat, education and outreach within the Chesapeake	The CWIP outreach strategy commits substantial resources to ensure ongoing engagement from jurisdictions throughout the draft CWIP development, milestone planning, and implementation phases of the CWIP. Consistent with the adaptive management approach, there will be a

Comment ID	Comment	CIT Response
	Watershed. There needs to be an incentive for the various parties to collaborate rather than compete.	review and evaluation of the strategies and their effectiveness to achieve the desired level of engagement with the completion of each phase.

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Timeline

Comments received under the topic Timeline are listed below with their responses. Primarily, the comments were focused on the need for an extended timeline for full implementation of the CWIP. The CIT anticipates revision to the CWIP based on these comments and on the guidance provided by EPA regarding a 2035 scenario, as well as feedback from the Steering Committee following their review. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
100	Page 44, "Timeline": In the first paragraph, the next to last two sentences from the bottom state: "additional information such as when and how much funding will be available for CWIP implementation is needed to reinforce a timeline with sufficient reasonable assurance that it is achievable. The final CWIP will also include alternative timeline options for having practices in place to achieve the needed CWIP load reductions by 2025 and other timeframes (e.g., 2030, 2035, etc.)." Seems that the CWIP does not provide "reasonable assurance" of success when alternative timelines are being looked at for the future.	The timelines beyond 2025 will be assessed and discussed in the final Conowingo WIP document.
222	Pilot Implementation, p28 and Timeline, p44: Existing Pennsylvania MTT systems should be activated as part of the planned pilot or initial launch process in 2021.	Comment Acknowledged

Comment ID	Comment	CIT Response
253	<p>4) Adaptive Management, Milestones, & Progress Reporting. As stated in the draft CWIP, the Conowingo Implementation Team will work with the relevant jurisdictions to submit draft milestones to EPA by November 2021. More detail on EPA's expectations for the milestones would be useful to have in the final CWIP so that jurisdictions can better anticipate upcoming expectations for implementation and reporting. More detail on the scale at which numeric BMP milestones will be required by jurisdictions would also be helpful; New York sets numeric BMP milestones at the state scale and would like maintain flexibility on setting the scale to match with our existing program.</p>	<p>While the draft CWIP does model load reductions from jurisdictions and sectors, no modelling as been completed at the county scale, nor have implementation targets been set at the county scale. Rather than set targets at the local scale at the early stages of CWIP development, the CWIP implementation team plans to work closely with local stakeholders to develop CWIP milestones (the first CWIP draft milestones are due in November 2021) to ground BMP implementation targets with on-the-ground knowledge of what can be achieved locally. The CWIP Steering Committee acknowledges that much has been done to develop and implement jurisdictions' Phase 3 WIPs. Therefore, the Steering Committee recommends the CWIP support effective efforts that are currently underway. To ensure that CWIP reporting is streamlined with existing reporting efforts, the EPA Chesapeake Bay program has entered into a 6-year cooperative agreement with a team led by Chesapeake Conservation (referred to as Activity 3 team, including partners The Commons and Center for Watershed Protection) tasked with Tracking, Verifying, and Reporting Implementation of CWIP and Two-year Milestones.</p>

Comment ID	Comment	CIT Response
254	<p>5) Timeline & Next Steps. On P. 44 it states: "A final decision by the CBP on the implementation timeline, including when the CWIP load reduction targets will be achieved has not been determined. Additional information such as when and how much funding will be available for CWIP implementation is needed to reinforce a timeline with sufficient reasonable assurance that it is achievable. The final CWIP will also include alternative timeline options for having practices in place to achieve the needed CWIP load reductions by 2025 and other timeframes (e.g., 2030, 2035, etc.)". Based on the short timeframe between when the CWIP will be finalized and 2025, it does not seem feasible to achieve a six-million-pound nitrogen reduction within a few years. An alternative deadline should be clearly defined in the final CWIP and more detail on the interaction between the jurisdiction WIP timeline and the final CWIP timeline.</p>	<p>The timelines beyond 2025 will be assessed and discussed in the final Conowingo WIP document.</p>
293	<p>Our overarching concerns with the draft Conowingo WIP include: 4) Timing. We believe the current timeline in the draft Conowingo WIP is too aggressive. Putting the Conowingo WIP on the same timeline as Pennsylvania's Phase 3 WIP will create significant challenges for funding, partner engagement, and achieving the goals of both WIPs. Impacts of the COVID-19 pandemic should also be considered as it relates to the timeline for Conowingo WIP implementation.</p>	<p>The timelines beyond 2025 will be assessed and discussed in the final Conowingo WIP document.</p>
300	<p>C. Comprehensive Local, Regional, and Federal Engagement Strategies and Commitments. 2) We believe it is important to be realistic about impacts to the construction season due to COVID-19 disruptions when creating projections and looking back on the 2020 season.</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
330	H. Timeline and Next Steps. 1) The timeline in the draft Conowingo WIP is very aggressive, especially considering the current lack of a detailed funding and financing plan. Flexibility needs to be built into the Conowingo WIP process. We believe that the Conowingo WIP should not be on the same timeline as the jurisdictional Phase 3 WIPs (i.e., practices in place by 2025); we believe instead that the Conowingo WIP should be on a later timeline (e.g., practices in place by 2035 or 2045).	The timelines beyond 2025 will be assessed and discussed in the final Conowingo WIP document.
395	The proposed timeline for implementing on-the-ground BMPs starting in 2022 is aggressive, especially without having landowners lined up and BMPs specified. This may not be realistic in conjunction with CAP goals, especially in the case of counties that have already completed, or are in the process of finalizing their CAP.	The timelines beyond 2025 will be assessed and discussed in the final Conowingo WIP document.

Tracking & Reporting

Comments received under the topic Tracking and Reporting are listed below with their responses. Primarily, the comments were focused on the need to closely coordinate CWIP implementation tracking with the tracking and reporting methods currently in use by the jurisdictions. The CIT does not anticipate revision to the CWIP based on these comments, but will incorporate them into work to be done by the Activity 3 team. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
49	I'm assuming that the same level of practice verification will be required regardless of which WIP we are serving.	Correct - all practices that are being credited towards the Conowingo WIP will need to follow EPA (CBP) protocols for Verification and reporting.
53	I also was going to mention that in NY we work as a team and would not necessarily need county-based information/targets, etc. We in NY are likely to just want to look at this as a whole and handle reporting in a way to demonstrate progress.	We appreciate this perspective on how the practitioners in New York operate. This will be taken into consideration and shared with the Conowingo Activity 3 team who are in charge of tracking/reporting progress of implementation towards the Conowingo WIP.
54	NY has a reporting system that should be used rather than creating a separate CWIP system.	The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.

Comment ID	Comment	CIT Response
122	The Region is already tracking nutrient reduction efforts currently implemented by owners of wastewater treatment facilities, MS4 programs, and CAFOs. Yet another project tracking effort --- without matching resources --- will place additional burdens for program personnel already overseeing WIP III projects.	The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.
200	In regard to tracking and reporting. The Upper Susquehanna Coalition (USC) in conjunction with NYS Department of Environmental Conservation (NYSDEC) have spent numerous staff hours and significant funding to develop and enhance a BMP tracking and reporting system that meets the requirements of the Chesapeake Bay program. Annually we submit practices to the NEIEN and addressing the minimal errors that arise. The USC would like to continue the use of this system and not be required to change our approach for the Conowingo WIP when we will be tracking and reporting the same practices. The USC has also developed a BMP Verification program based on CB program protocols and requirements and does not want to develop a separate system for the Conowingo WIP, as our approach has been adopted in 18 counties in NY. It would be too confusing to have both a separate tracking, reporting and Verification program for the Conowingo WIP and our Jurisdictional WIP.	The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.
217	Tracking the practices between the two separate WIP strategies will also be a challenge to ensure that new practices implemented toward the Conowingo WIP don't take away from WIP III implementation efforts.	The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based

Comment ID	Comment	CIT Response
		on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.
226	Our conservation planning is linked to the Federal agencies under the USDA and prepared by MDA planners. The 2025 WIP goals have been incorporated into MDA's objectives and supported by the Districts and NRCS. By adding the CWIP, special coordination with these agencies will be critical on how to execute this planning and keeping reporting separate.	The Conowingo WIP plan development team recognizes concerns regarding coordination at the local level and the need to avoid duplication. The Conowingo WIP plan development team kept key state agencies informed as plan development progressed, and the Conowingo WIP implementation team intends to do the same. It is understood that coordination between local efforts and the Conowingo WIP will be vital.
247	<p>1) Accounting, Tracking and Crediting. The Upper Susquehanna Coalition (USC) in conjunction with NYS Department of Environmental Conservation (NYSDEC) have spent numerous staff hours and a significant amount of funding to develop and enhance a BMP tracking and reporting system that meets the requirements of the Chesapeake Bay program. Annually we submit practices to the NEIEN and address the minimal errors that arise during submissions. The USC would like to continue the use of this system and not be required to change our approach for the Conowingo WIP, when we will be tracking and reporting the same set of practices.</p> <p>The USC has also developed a BMP Verification program based on CB program protocols and requirements, and does not want to develop a separate system for the Conowingo WIP, as our approach has been adopted in 18 counties in NY. It would be too confusing to have both a separate tracking, reporting and Verification program for the Conowingo WIP and our</p>	The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.

Comment ID	Comment	CIT Response
	<p>Jurisdictional WIP. The USC believes that NY should maintain control over where and when BMP credits are applied when there is a decision required for practices eligible for both the jurisdictional and Conowingo WIPs.</p>	
252	<p>3) Accountability, Tracking, & Crediting. On P. 43 of the draft CWIP it states: "When a practitioner implements a project that will be tracked towards CWIP progress, they will be required to report the project through Chesapeake Commons' FieldDoc platform". Practitioners in New York do not utilize FieldDoc; the Upper Susquehanna Coalition and its member soil and water conservation districts utilize a tracking system built specifically for New York to complete tracking, reporting, and verification of projects. New York will continue to utilize this system for tracking and reporting both for our jurisdiction WIP, as well as the CWIP. New York would like for the jurisdictions to have the ability to make decisions on which implementation plan (either the jurisdiction WIP or CWIP) projects will be credited for progress. New York will work with the Conowingo Implementation Team and EPA to ensure that our existing data transfer through NEIEN.</p>	<p>The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The intention is to reach out to the jurisdictions involved should they be heavily involved in any project tracking.</p>

Comment ID	Comment	CIT Response
328	<p>F. Accountability, Tracking, and Crediting. It will be critical for partners to understand new reporting and tracking protocols so that projects are appropriately credited to either the jurisdictional Phase 3 WIPs or the Conowingo WIP. While it is the responsibility of the Conowingo Implementation Team to ensure the tools are made available, it is important to note: (1) that constant coordination with the state agencies will be required to ensure quality assurance and quality control on the data; and (2) that additional funding, as yet unidentified, will be needed to support agency staff in this initiative.</p>	<p>The Conowingo Activity 3 team which will be handling tracking/reporting is informed about the current system for state WIP reporting. They will be working with EPA and the Conowingo Steering Committee to find the best solution for tracking/reporting based on grant requirements from EPA and in line with the needs of Conowingo implementation and financing. The team has already been in touch with staff at PA DEP about coordinating tracking efforts, and the intention is to continue this close relationship as we identify what will be needed for tracking implementation of the Conowingo WIP in conjunction with state tracking/reporting for their jurisdictional WIPs.</p>
388	<p>ensure long-term verification processes for the CWIP align with the CAP long-term verif. processes ening contemplated. being contemplated*</p>	<p>Thank you, the Activity 3 team is working with the Steering Committee and EPA to determine how best to proceed with Verification of projects being credited towards the Conowingo WIP. There will be great consideration to how best to align with current protocols and processes as these decisions are made.</p>

Other

Comments received under the topic Other are listed below with their responses. The comments varied, ranging from praise of the draft to calls to stop the project, and included concerns about impacts to farmers, as well as matters of equity. The CIT anticipates minor grammatical revision to the CWIP based on these comments; other revisions will be directed by the Steering Committee following their review. The CIT will also share these comments with the financing team.

Comment ID	Comment	CIT Response
86	Executive Summary does not explain exactly when the Conowingo Dam reached equilibrium or a corresponding noticed decline in Bay water quality. This explanation would help show the need for a CWIP.	The Executive Summary indicates that Conowingo Dam was recognized to have reached equilibrium in 2010 and was causing significant decline in DO in the Chesapeake Bay. Additional information can be found in the "Lower Susquehanna River Watershed Assessment (LSRWA)" cited in the References section.
87	Executive summary, p. 3: the first paragraph states that "The CWIP identifies opportunities and contingencies for reducing Conowingo loads that are either underway or should be further explored, including ... " For purposes of clarity, specify which practices are underway and which need to be further explored.	The process of developing market mechanisms that can be scaled up to accelerate restoration progress is part of the financing strategy that has been developed by others. Practices such as dredging and the distribution of BMPs across all sectors may be further explored.
90	Page 19: in the first sentence under "Phase 3: Implementation", it references providing technical assistance to local stakeholders. These stakeholders should be identified, or, at a minimum, examples should be provided.	The stakeholders to be engaged are identified in the Phase 2 section of the Conowingo WIP, beginning on page 16.
94	Page 29 "Primary CWIP Strategy": The first paragraph states that the "strategy refers to a geographic extent and a combination of restoration practices and BMPs." For consistency with the Executive Summary (p. 2) and clarity, this phrase should state that the "strategy targets a specific geography, but is not site-specific, and includes a ...". Additionally, this strategy seems to include the "what" and "where," but it lacks the important "how," "who," and "when" components of the strategy.	Comment acknowledged. Additional detail regarding the questions of how, who, and when will be developed during the Phase 2 and Phase 3 process of the Conowingo WIP.

Comment ID	Comment	CIT Response
101	Page 51, 3rd page of Appendix B: At the bottom, it states that the CWIP is independent of the other WIPs being developed by the Bay jurisdictions. Although it is a separate Plan developed by "another group" and using some "other money," it is hardly independent. It is calling for the exact same BMPs on the exact same land that at least 2 other plans are doing at the same time (PA WIP III and County CAPs). There is a general comment suggested later that offers a suggestion for creating a truly independent CWIP that just may work.	The Conowingo WIP was developed using a baseline that assumed each jurisdiction's Phase III WIP had been fully implemented. The Conowingo WIP team will coordinate with and offer technical assistance to those counties developing local plans to eliminate competition.
111	In reviewing the draft Plan, the need for many editorial changes was apparent, such as punctuation, consistencies, word choice, and spelling. Thus, it is recommended that a thorough proofreading of the document be conducted before final publication.	Thorough proofreading and editing will be completed prior to publication of the Final CWIP document.
119	Pennsylvania farmers and agribusiness are committed to maintain and increase conservation to restore both local and Chesapeake Bay tributary water quality through innovative, cost-effective technologies and practices. However, what is being proposed in the Conowingo WIP has the potential to gut PA Agriculture. What is being done to champion agriculture for success in the Conowingo?	The Conowingo WIP recognizes the vital role agriculture plays and was developed in a manner to ensure farmland stays in production to the extent possible while meeting the additional nitrogen reduction goals.
120	The comments and questions we have poised above are complex and often lead to additional questions and thoughts. On behalf of our members, we sincerely hope and expect the Conowingo WIP Steering Committee to: 1) recognize the draft Conowingo WIP is lofty in its expectations, 2) acknowledge the funding constraints and propose viable solutions, 3) redistribute the load allocations by State and Sector, and finally 4) recognize the agriculture community works tirelessly to ensure you have safe, nutritious food available at all times and in order for this to continue, cooperation is needed to ensure agriculture is successful. We are happy to discuss our comments and questions at your convenience and stand ready to defend our platform on behalf of Pennsylvania Agriculture.	Comment Acknowledged

Comment ID	Comment	CIT Response
124	We have serious concerns about the glaring flaws and lack of specificity, clarity and practicality of the C-WIP proposal. There needs to be a delay in final adoption of the C-WIP proposal until questions surrounding how the C-WIP's goals will be accomplished and financed are clearly and specifically answered and how the cost and task burdens assigned to Pennsylvania will realistically be met. We also don't understand why if the dam is in Maryland the PA farmers are expected to carry the entire burden of "fixing the problem" caused by an out of state dam. Consider the consequences of this legislation before going any further. Lots of questions need to be answered before going any further forward.	Comment Acknowledged
125	Involved in agriculture in pa and during a pandemic this seems like a great way to put another nail in the farms of pa coffin What a terrible proposal to blame 85% of a problem on 2% of the population And especially while you as a country never went hungry during a global pandemic thanks to the tireless efforts of those farmers Think about the entire picture and what bad results might come of fixing one problem Thanks	Comment Acknowledged
126	I believe that the WIP plan is going to be bad for pennsylvania agriculture, therefore making it very bad for our state.	Comment Acknowledged
127	As a PA dairy farmer I have serious concern about the glaring flaws and lack of specifics, clarity and practicality of the C-WIP proposal, and call for delay in final adoption of the C-WIP proposal until questions surrounding how C-WIP goals will be accomplished and financed are clearly and specifically answered and how the cost and task burdens assigned to PA will realistically be met.	Comment Acknowledged
128	Farmers don't get credit for what they do to reduce runoff tminto the bay .	Comment Acknowledged
129	Unfair to Pennsylvania as well as Pennsylvania Farmers	Comment Acknowledged
130	Please delay the final adoption of C-WIP till more info and details have been clearly but down in black and white.	Comment Acknowledged

Comment ID	Comment	CIT Response
131	You must not adopt this plan until every detail is laid out. Financing, requirements etc. this plan is way to vague to be passed when farmers don't know what they will Be required to do to comply	Comment Acknowledged
133	Pls do not implement this plan.Would be devastating to our Farmers in Pa. Our Farmers need our support. Do not hurt them with this plan. Thank you for your consideration.	Comment Acknowledged
134	Please consider the current changes in agriculture that has lowered the amount of nitrogen in the waterways and streams. Farmers and ranchers have greatly improved their practices. It is difficult to measure the amount of run off from housing developments where homeowners use nitrogen for improving lawns and accelerates the growth of grass. This source of additional nitrogen levels have been ignored. These agencies do not adhere to the required level of application and pollute at a greater risk compared to farmers or ranchers. The expanded regulation is flawed in specificity, clarity and practicality. Time should be given to address this situation with accurate, measurable information. Discussion with various agencies, time to measure, development of a plan that can be implemented with accuracy needs to occur.	Comment Acknowledged
135	Pennsylvania farmers realize there is a problem with Nitrogen in the watershed. Please don't just create a new rule without providing us with the tools to make improvements. For example, Federal Ag policy encourages us to farm one way, namely wall to wall corn and beans, and more and more confinement houses, yet the heavy reliance on N causes pollution. It can't be cheap food and environment, Do not make a rule without a plan to meet the goal.	Comment Acknowledged
136	Good job to stop the water pollution! Carry on!	Comment Acknowledged
137	Please HALT C-WIP PLAN It will damage the farming community - Find another way	Comment Acknowledged

Comment ID	Comment	CIT Response
138	I think farmers are not the ones that are polluters take a look at the big companies . But you wont because they have too much money to pay off lawmakers.And place much of the blame on farmers.I am not saying farmers are not polluters yes there might be some. But not as much as the corporate companies.	Comment Acknowledged
140	I am writing to you to share my concerns for your C-WIP Plan. I completely agree with the need to clean up our waterways, and how difficult a task this is. However, I believe you are targeting the wrong group. My understanding of this plan is that: "Pennsylvania would be responsible under C-WIP to achieve through additional pollution control measures 95% (9.48 million pounds) of total nitrogen reduction needed to offset pollution caused by the Dam. And Pennsylvania's farmers will be solely responsible for achieving nearly 85% (8.40 million pounds) of the total nitrogen reduction needed to offset the Dam's pollution to the Bay." I strongly suggest that you re-evaluate the places the excess nitrogen is coming from. The data is becoming more readily available which proves that residential areas are the major cause of the excess nitrogen. Farmers only fertilize enough to make their crops grow efficiently. They do not have the funds to waste on nitrogen to run off their farms. Yes, there is some run-off from farms, but residential homes over fertilize. This is mostly by no fault of their own, but because of how much the fertilizer bags recommend. I do not expect you to go after fertilizer companies, like Scotts, but even just trying to make homeowners more aware. Also, the drainage issue with proper times to apply, applying unnecessary amounts, and even just being aware of the amount of non-pervious surfaces. There is nowhere for the nitrogen to go but into stormwater. Farms have acres, and usually neighbors with acres that allows what does run off utilized before it ever reaches the state of Maryland. In conclusion, I would appreciate, if you would re-access the plan you currently have in place, because I believe you will not achieve results that will make a difference by focusing on farm run-off. Urban areas and	Comment Acknowledged

Comment ID	Comment	CIT Response
	suburbs are really causing the most damage. There are studies coming out now that prove this. Thank you and have a great day!	
157	General Comment 11. While concerns, comments, questions, etc. have been outlined in this comment document, please note that the draft CWIP is one of the most comprehensive, dynamic, well thought out, and strategic WIPs this commenter has encountered; and "kudos" to the CIT, steering committee, and other individuals and entities involved in its development.	Comment Acknowledged
177	I have serious concerns about this proposal and request a delay until more detailed information is available.	Comment Acknowledged
182	Specific Comment 3: Benefits of sediment reductions should be quantified and included in the tables where applicable. We understand that the need to reduce nitrogen and phosphorus is what is driving implementation under the Chesapeake Bay Total Maximum Load. That said, providing estimates of the sediment reduction benefits is also useful, and of great relevance to local water quality.	Information related to anticipated sediment reductions will be incorporated in the final version of the Conowingo WIP based on CAST estimates.

Comment ID	Comment	CIT Response
212	<p>I understand there is a problem at the bay. I understand that something needs to be done to repair the problem. My family is a third generation farming family. Our farm is approximately two miles from the original family farm. Our farming family consists of my grandfather, who has now passed, my father, my brother and his family, my sister and her family, my sons and I. We take pride in taking care of our land. We are doing everything we can not to pollute any waterway. We drink that water. I think the majority of farmers feel the same way I do. There are easier jobs out there but I enjoy farming and I do it because I care about the land. Like many farmers I want the land to be preserved for future generations and the only way to preserve it is to take care of it every day. If you pass the C-WIP Proposal, it will cause a hardship for many of the family farms. As the family farms are sold due to hardship, big company farms are buying them out or the farm goes for residential development. I really hate to lose more family farms.</p>	Comment Acknowledged
213	<p>I understand the CWIP calls for significant additional reduction of nitrogen contributions by agriculture to reduce the amount flowing through the dam. The agricultural industry in Pennsylvania is financially resilient, but only to a certain extent. Before implementing the plan, please consider what practices would be necessary and how the cost might be covered. From, A former dairy and crop farmer with over 150 acres of rented crop and grassland.</p>	<p>The Steering Committee aimed to select BMPs that are cost effective with a preference on keeping farmland in production as much as possible. Funding made available through the CWIP aims to fill gaps in existing funding programs to implement priority BMPs.</p>

Comment ID	Comment	CIT Response
233	<p>Conowingo Systems - A Cost-Effective and Market-Based Proposal -- Paragraph 1: Under our approach, each year we will assemble a finance package for enhancing sediment trapping capacity and transporting removed sediment to areas for storage and further processing. We will work with Maryland state agencies using existing programs to generate water quality credits for this activity, credits that can then be sold on the Maryland Water Quality Credit Exchange and other existing water quality markets in Chesapeake Bay states, or purchased by the jurisdictions themselves to meet the CWIP goals. Revenue from credit sales will be used to fund implementation of the next round of sediment trapping enhancement, creating a sustainable loop to incrementally reduce the sediment and nutrient threats posed to the Bay. Paragraph 2: Our solution does not negate entirely the need for additional upstream Best Management Practices. Reducing the annual input of nutrients and sediment entering the river, as detailed in the jurisdictions' Phase III WIPs and subsequent 2-year milestones, must be addressed simultaneously to reduce the need for future large-scale sediment removal. As has been envisioned by the Chesapeake Bay Partnership for decades, ongoing protection of water quality in the Bay will continue to require a diversity of approaches. What our solution does is greatly diminish the need, urgency, and magnitude of additional Best Management Practices that would need to be implemented to offset the lost trapping capacity of the Reservoir.</p>	Comment Acknowledged
238	<p>The first two comments are observations about potential pitfalls that we hope can be avoided by working together. Either pitfall alone is of concern, but the possibility that they might amplify each other is also possible and problematic. It was encouraging to hear recognition of them in the presentation, but we want to make sure the Steering Committee fully grasps the significance from our perspective. The third comment is a practical recommendation that could help address our concerns but</p>	Comment Acknowledged

Comment ID	Comment	CIT Response
	stands on its own, nonetheless, as a great opportunity for your multi-state WIP to address.	
255	The draft plan outlines a comprehensive and logical approach aimed at reducing nutrient and sediment reductions by 2025. Although Maryland's role is relatively small in comparison to our upstream partners, it is important nonetheless. While the draft plan for Maryland includes reductions across all sectors, Maryland farmers are once again being called upon to implement additional environmental measures on their land. It is important to note that these are above and beyond what we've already asked of them to meet our commitments under Maryland's Phase III Watershed Implementation Plan.	Comment Acknowledged
267	Our ultimate recommendation is that release of a final C-WIP be suspended indefinitely until the following have been meaningfully addressed: 1) A more comprehensive effort has been made by the Partnership to engage and collaborate with Pennsylvania officials and stakeholders in development of measures to be pursued under C-WIP that will not conflict with Pennsylvania's Phase 3 Watershed Implementation Plan nor divert human, financial and technical resources planned to be dedicated under Pennsylvania's Phase 3 WIP. 2) A more definitive, comprehensive, and reliable source of financing projects to be pursued under C-WIP be identified that is wholly independent of state, federal and private funding sources currently dedicated or planned for use in financing conservation measures to be pursued in implementing Pennsylvania's Phase 3 WIP.	Comment Acknowledged

Comment ID	Comment	CIT Response
272	<p>2.1. Diversity and Equity -- At its last meeting, EPA Chesapeake Bay Program Executive Council signed onto the Diversity Statement, committing the partnership to embracing diversity, equity, inclusion and justice in all forms. This includes ensuring the benefits of science, restoration and partnership programs are distributed equitably without disproportionate impacts on vulnerable populations. It is important that the Diversity Statement is more than just words, and in order to fulfill this commitment, it is critical that all of the work done by the EPA Chesapeake Bay Program Office be conducted through a lens of diversity, equity, inclusion, and justice (DEIJ). When reviewing the CWIP, it does not appear that issues involving DEIJ were considered during its development. The first "guiding principle" in the draft CWIP is fairness - "fairness, equity, and feasibility among state, local, and federal and other partners participating in the CWIP regarding level of effort, financing, tracking, resource sharing, and third -party access." (See Draft CWIP, Page 8). This admirable goal is not reflected in the draft proposal before us. Most of the Bay partner jurisdictions were not involved in processes with Exelon, where funds for cleanup could have been secured. Since those funds were not obtained in those processes, there is a high likelihood that the other states, some of which have little to no connection to the Susquehanna, will be taking on these loads and bearing the costs of cleanup.</p>	<p>The CWIP Steering Committee is aware of the Executive Council's adoption of the Diversity Statement. The CWIP Steering Committee selected the geography of the Primary CWIP Strategy based on estimated nitrogen reductions and costs, not how funds will be distributed related to the Conowingo Dam and Exelon. For further information related to the Conowingo Dam, visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAApp.aspx</p>
273	<p>2.2. Diversity and Equity -- It has been confirmed by members of the CWIP Steering Committee that the primary lens in which the CWIP was developed was from the most cost-effective perspective. While this is an important component, it should not be the only consideration, or a reason not to consider other social impacts. For instance, the CWIP Steering Committee should consider the impacts of structural racism and how Clean Water Act requirements impact different communities in our watershed. In order to authentically include equity into this plan, we</p>	<p>This comment is appreciated and as planning moves from the large-scale, physiographic nature of watershed boundaries to actual implementation at a finer scale, this recommendation on the use of racial equity tools will be considered. Due to the broad-scale nature of evaluating numerous scenarios, the CWIP Steering Committee selected the geography of the Primary CWIP Strategy based on estimated</p>

Comment ID	Comment	CIT Response
	<p>recommend that the CWIP Steering Committee use a Racial Equity Tool, like this one provided by the Local and Regional Government Alliance on Race & Equity, to frame their work. Racial Equity Tools lay out a series of steps that help the user identify inequities through a series of questions. For example, the Steering Committee should analyze the demographics of the population to be impacted, who benefits from or will be burdened by the proposal, and identify strategies for advancing racial equity or mitigating unintended consequences.</p>	<p>nitrogen reductions as well as costs, based on the potential to have a positive impact on water quality in the Chesapeake Bay.</p>
279	<p>Table 3 on page 36 should indicate an N reduction value of "0.17" for the Maryland Agriculture sector and a value of "0.00" for the New York Developed sector.</p>	<p>The Conowingo WIP plan development team will review this table for accuracy.</p>
280	<p>On page 40, it is suggested to revise the wording of the first two sentences under "Achieving Goals, to clarify that pollution reductions are a means to achieve goals such as increased water clarity, dissolved oxygen concentrations, and oyster population. Pollution reductions are not the end goals.</p>	<p>The Conowingo WIP plan development team will review this language for accuracy and clarity.</p>
283	<p>We are encouraged by the goals and objectives set forth in order to improve overall water quality and nutrient load reduction for the Chesapeake Bay. Any efforts toward improvement leading to positive results for the Bay are laudable and should be encouraged. Therefore, we recognize the goals behind the addition of the Conowingo WIP and hope that it produces results that aid in the overall nutrient management effort.</p>	<p>Comment Acknowledged</p>
289	<p>C. Impacts of COVID-19. The Draft CWIP recognizes that the COVID-19 pandemic has created new economic and budget realities for state and local governments as well as additional implementation challenges and that timelines will need to be adjusted because of these effects. (Draft CWIP 28, 44.) MAMWA urges the Chesapeake Bay Program to remain flexible in its approach until the full impact of the COVID-19 emergency is known.</p>	<p>Comment Acknowledged</p>

Comment ID	Comment	CIT Response
365	<p>1. The incoming EPA should weigh in on the CWIP framework and funding. The CWIP framework, approach and drafts were approved by political appointees at EPA whose goals are very different from those of the incoming administration. These differences are significant on matters that are integral to the foundation and completion of the draft CWIP, such as corporate responsibility, climate change and its impacts to the Bay and the authority of the states under the Clean Water Act Section 401. Major changes of note in the incoming administration are, the intended appointments of a White House climate leader (and a global climate envoy) and a full-throated embrace of climate and environmental science. With a renewed interest in climate science, the incoming EPA should have a chance to assess whether the CWIP drafting process was adequate, incorporated appropriate best management practices and science, and did not sacrifice necessary cleanup for cost.</p>	<p>EPA will continue to evaluate and provide input into the development of the Conowingo WIP in accordance with its role as defined in the CWIP Framework document.</p>
402	<p>In Adams County, our comments/concerns/needs would be very similar to the Bay WIP.</p>	<p>Comment Acknowledged</p>
408	<p>That information should be available in the FERC relicensing filings.</p>	<p>For further information related to the current status of the Conowingo Dam, please visit: https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCAp.aspx</p>
132	<p>Stop implementation of C-WIP there is no plan on how to achieve this reduction and there is no funding. Also where is the science to prove this reduction can happen and that it will resolve the problem???? This is another overreach and needs to be stopped.</p>	<p>Comment Acknowledged</p>