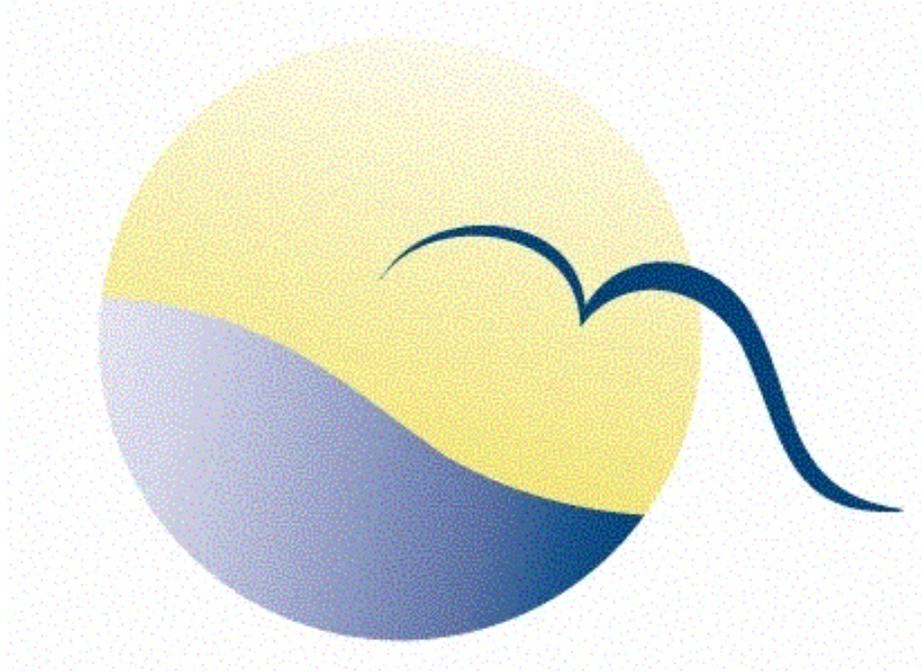


Citizens Advisory Committee TO THE CHESAPEAKE EXECUTIVE COUNCIL



Diverse Voices Unified for the Chesapeake

**2009 REPORT TO THE
CHESAPEAKE EXECUTIVE COUNCIL**
May 12, 2009



Citizens Advisory Committee to the Chesapeake Executive Council

2009 Annual Report of Recommendations

(Issued April 30, 2009)

Introduction and Executive Summary

In 2009 the Citizens Advisory Committee to the Chesapeake Executive Council (CAC) continued to focus their work on the two “A’s” - two crucial attributes of successful ecosystem restoration: Accountability and Accelerated implementation of restoration goals. This year’s report builds on the two “A’s” and is focused on three themes: accountability, acceleration of controls on nonpoint sources of pollution, and citizen engagement.

Since the Chesapeake Executive Council met just six months ago, we have seen some very encouraging news that should give everyone concerned about the Bay hope that Chesapeake Bay Program’s efforts make a difference: science-based decisions on oyster restoration alternatives; an increased crab population resulting from restrictive harvest regulations; a significant increase in underwater Bay grasses; new funding through the American Recovery and Reinvestment Act of 2009 (“Stimulus”) and the Farm Bill; the beginning of Children and Nature programs; and potentially renewed partnerships with the federal government. For living resources especially, we can see how science-based management decisions can turn the tide and watershed recovery is possible.

We commend you for enabling your environmental agencies at the last Executive Council Meeting to push beyond “business as usual.” The two-year milestones announced at the 2008

Executive Council Meeting not only provide a framework for each jurisdiction to accelerate implementation progress, but also have the potential to reveal to the citizenry and elected officials new tools for closing shortfalls on pollution milestones; to garner citizen support for local successes; enable citizens to access restoration progress, and to reassure the citizenry in a simple way that government is doing their part. CAC strongly encourages the States to define their milestone contingencies and demonstrate progress towards those milestones on an annual basis in a manner that is transparent to the general public.

CAC supports the recommendation of the April 20-21, 2009 Principal's Staff Committee retreat that the Chesapeake Bay Program reauthorization should institutionalize the independent program evaluation and that separate funding for the program should be provided. CAC has advocated a concept to improve the process beyond the current two year pilot evaluation program. We believe a refined approach to evaluation will provide the Bay Program partners with the ability to honestly and independently assess and adapt to challenges to implementation, as well as provide an independent source to verify tracking/reporting and increase partner accountability. We encourage you to endorse the concept of a permanent evaluation program to ensure this important activity continues beyond the pilot project phase and provides you and future leaders of the Program with complete and credible information to adaptively manage after the summer of 2011.

CAC was instrumental in convening the 2008 Best Practices Workshop with thought leaders from the Great Lakes, Everglades and the Massachusetts Ocean Partnership. As a result of the Workshop, a small group of the region's watershed organizations convened to discuss the

feasibility and benefits of a coordinated non-governmental organization (NGO) coalition focused on Chesapeake Bay advocacy. CAC is pleased to report that a privately funded Chesapeake Bay Coalition has formed and will launch their advocacy campaign soon. CAC believes this Bay Coalition will be a helpful citizen force in increasing resources and advancing on-the-ground implementation for the watershed clean-up effort. We believe that the citizen and nonprofit environmental communities are ready to help support policy makers in tackling the tough decisions.

CAC appreciates the willingness of the State, District and EPA staff to meet with us as we fulfill our mission to provide you, the executive leadership, with meaningful and relevant advice on Chesapeake Bay restoration programs and policies. Based upon quarterly meetings, internal CAC discussions, and active participation in Chesapeake Bay Program meetings, CAC is pleased to offer the following Annual Report to the members and principals of the 2009 Chesapeake Executive Council. We are hopeful that your executive decisions will set new precedent in how this partnership approaches goal setting, accountability for commitments, and political conviction towards the challenges that we *used* to view as future action, but in fact are here, now, and in the present. The Citizens Advisory Committee offers its perspective on the aforementioned three themes of **Accountability, Nonpoint Source Pollution and Citizen Engagement**.

ACCOUNTABILITY

CAC has stated in the past that restoration programs that include built-in accountability are not only good business practice, but also help managers and policy-makers to strategically target

limited resources towards a sector and verify measurable results are achievable and success is possible. The two-year milestones, independent program evaluation, stimulus funding and TMDL reasonable assurance are all areas ripe for you to demonstrate forethought and afford an opportunity to establish your legacy of political commitment to a successful restoration effort. CAC has the following suggestions for your consideration:

Two-year Milestones: Four ways you can maximize the benefits of the milestones are: (1) annually tracking progress toward each milestone; (2) clearly demonstrating how the milestone targets accelerate implementation; (3) defining upfront the state contingencies if the two-year milestones are not met; and (4) supporting federally imposed consequences if progress is not made.

Independent Evaluation: CAC was encouraged to see the evaluation mechanism created as a part of the Bay Program reorganization. CAC has been active in the Principals' Staff Committee's Action Team charged with implementing the first round of evaluation. We have also initiated a discussion on the evolution of program evaluation and presented the Action Team with a "white paper" on the next generation independent evaluator. We plan to further refine the white paper and bring specific ideas and recommendations based on national research to your Principals' Staff Committee (PSC) and staff. We believe independent evaluation is a critical component of accountability and offers great opportunity to use adaptive management to accelerate the clean-up progress. Additionally, it is an imperative measure to retain public and congressional support. We encourage the Executive Council to endorse the concept of ongoing, truly independent program evaluation.

Stimulus Funding: In March of this year, we sent the Executive Council governors a letter encouraging a principle of “Do No Harm” with the stimulus spending. We provided suggestions on ways the money could be spent to advance restoration and simultaneously create new jobs and support economic recovery in the Bay region. CAC believes there need not be a trade-off between the economy and the environment. We acknowledge the stimulus funding does not meet all of our restoration needs, but there is an opportunity for you to show a new ethic in the relationship between the environment and economy. We encourage you to reveal to the public and Congress how many jobs are created, how these jobs are being used to meet the Tributary Strategies and two-year milestones, and how governments can work together to develop a “green economic impact.” At a minimum, CAC encourages the Bay Program Partners to track and publish how the Stimulus funds are being used. For example, the U.S. Army Corps of Engineers listed its civil works projects funded by the American Recovery and Reinvestment Act of 2009 at <http://usace.army.mil/RECOVERY/Pages/Projects.aspx>.

TMDL Reasonable Assurance: As the partners move into a more regulated framework, we encourage you to consider new ways the TMDL can bolster the clean-up effort. While there are close to 35,000 TMDLs across the country, there are two significant opportunities for the Bay TMDL to raise the bar and represent a model for subsequent TMDLs to emulate: (1) by linking implementation plans, timeframes and consequences to the Bay TMDL, and (2) looking for ways to incorporate nonpoint sources in a way that ensures equitable distribution across the pollution sectors. Normally, once the waste load allocations are established, TMDLs are “put on a shelf” and little effort is placed on implementation. The EPA’s Bay Program should be commended for

its recent communications with the state partners that it will seek federal action to ensure the Bay TMDL **WILL** contain reasonable assurances that nonpoint sources and point sources alike can and will achieve the load allocations in the TMDL. If the Bay TMDL is to truly result in a cleaner Bay, the Bay Partners must put as much focus on reasonable assurances and implementation as was placed on arriving at the waste load allocations.

NONPOINT SOURCE POLLUTION

The Citizens Advisory Committee contends a clean Bay watershed is impossible to realize unless nonpoint source pollution is addressed. We strongly encourage you to explore new regulations and new legislation. Nonpoint source pollution associated with stormwater runoff from impervious surfaces and irresponsible agricultural practices constantly negate the work of our environmental agencies, our local governments, enlightened farmers, businesses, and watershed organizations who everyday seek to be responsible stewards of their watersheds. We encourage EPA to take the lead and push their state partners to make difficult political decisions. We acknowledge this could be a challenging political battle, but as you weigh the benefits to the public, we ask that you remember that delaying and de-prioritizing nonpoint source pollution will only increase the cost of addressing it later. Every year that we allow a “hands-off” approach to this significant source of pollution, we in effect ensure that future generations inherit not only increased clean-up costs, but also a degraded ecosystem with little or no memory or experience of a healthy and productive Chesapeake Bay.

CITIZEN ENGAGEMENT

In the human experience, relationships compel a sense of pride and protection. As stated above, we believe government has a responsibility to protect environmental treasures like the Chesapeake Bay and its tributaries, but we also believe it is our responsibility to view these natural treasures as though we are borrowing them from future generations. Citizen engagement can be fostered both through environmental education in the formal education system and through informal ways of connecting kids and families to nature such as public access to the Chesapeake and its thousand of miles of rivers and streams. This is why we strongly encourage you to actively engage the citizenry in three ways: (1) Support the federal No Child Left Inside initiative and encourage Members of the Bay region's Congressional Delegation and the Obama Administration to enact the legislation; (2) Create state environmental literacy programs as called for in the Federal legislation; and (3) Permanently protect and increase public access to and use of the Chesapeake Bay and its tributaries.

No Child Left Inside: Legislation had been introduced in Congress, S.866 and H.R. 2468, to bolster environmental education in our pre K - 12 public schools. These bills would authorize new funding for states to provide high-quality environmental instruction, outdoor learning activities, and teacher professional development. Funding is contingent upon the creation of a state environmental literacy plan which allows each state to define the content of environmental education as a part of the planning process. Research demonstrates that environmental education in the schools and in the field, has not only a positive impact on student achievement and critical thinking skills, but can help address the growing trend of "nature deficit disorder", and better prepare students for real world challenges and the 'green jobs' of the future. The legislation has

broad bi-partisan support in the Congress and an amended version of the bill was overwhelmingly approved in the last Congress. If enacted, this legislation will not only further the Chesapeake 2000 goal of meaningful watershed experience for every child before graduation from high school, but enhance the ability of states and school systems to offer classroom and outdoor environmental education programs as part of their curricula.

State Environmental Literacy Programs: As parents and teachers we witness how, at times, in the public school system Standards of Learning can become the primary focus of an educational curriculum. As a result, oftentimes environmental education is marginalized or eliminated all together. We believe the future stewards of the Chesapeake Bay watershed should be afforded the opportunity to learn about the Bay and its rivers and streams both through the formal education system and through informal experiences. In order to ensure these opportunities are provided to every child, we encourage you to create an environmental literacy program as called for in Federal legislation. This year, Maryland has initiated such a program through gubernatorial executive order. We see this Child and Nature program as a good opportunity to share programs and policies across state jurisdictions.

Public Access: Over the years we have learned that citizen involvement with and commitment to the health of the Chesapeake and its tributaries is greatly affected by personal contact with the Bay and its environs. But discovering the Bay is still a challenge for most people. Despite improvements, still today less than 2 percent of the Bay's shoreline and its tidal tributaries are open to the public. Even those areas are threatened by development pressures and other factors. We urge state agencies to work closely with the U.S. Department of Interior and other federal

and local partners to identify potential new public access sites such as camping areas, parks and wildlife management areas, open spaces, and canoe and kayak launches to enhance access and preserve these special places. Providing additional and improved access to the Bay engenders a community to support their local governments and other elected officials to make decisions that protect water quality and living resources. We encourage you to increase this number and look for ways to open access to rivers and the Bay, especially in underserved communities.

EMERGING ISSUES

Healthy Bay, Healthy Backyards and Healthy Humans: When the Cuyahoga River caught fire in 1969, it was clear that the river was horrifically polluted and represented a real and immediate threat to humans. Today, the Bay and its tributaries are not likely to catch fire, but the threat to human health remains very real. Research from medical universities across the nation is revealing health problems in animals that live in or near polluted waters, as well as human health problems. Toxic chemicals in drinking water supplies, bio-accumulated toxins in fish consumed by the public, and endocrine inhibitors from pharmaceuticals left inadequately treated by waste water treatment plants are all cause for concern. CAC has consistently supported tailored messaging. “Save the Bay” has much more impact to the residents of the Eastern Shore than it does to Amish farmers in Lancaster County. However, an “Amos Yoder” in Lancaster or a descendant of Captain Salem Avery living on the Eastern Shore care equally about the health of their backyard streams their children play in and around. Healthy water supports a healthy community. We encourage you to consider the health of your constituents as you make decisions on policy that impact the protection and restoration of the Chesapeake Bay watershed.

In conclusion, while we have focused many of these suggestions around water quality milestones and TMDLs, we encourage you not to lose sight of the many other important aspects of Chesapeake Bay restoration. Once the pilot 2-year water quality milestones are underway, we ask that you promote the development of milestones for living resource and healthy habitat protection, maintaining healthy watersheds and sound land use, and fostering Chesapeake Bay stewardship.

CAC would be remiss if we did not continue to highlight our concerns about the “Katrina in our backyard,” i.e. the sediment behind the Conowingo Dam. Simply studying how long it will be before it’s full (when we *really* need to do something about it) is not enough. There is value, however, in studying the cost of inaction associated with the Bay Program failing to proactively address this issue. We believe a healthy Chesapeake Bay watershed is represented by the full spectrum of the ecosystem. For the general public especially, indicators of success are the things people can see- the tangible results of policy and programs that take into account the unique and beautiful bounty that has supported our culture and quality of life in the Chesapeake region.

2009 CAC MEMBERSHIP

MARYLAND

Robert J. Etgen: Rob is Executive Director of the Eastern Shore Land Conservancy, a regional land conservancy which has protected over 35,000 acres of Chesapeake Bay landscapes. Rob has been active in Maryland land preservation since the mid - 1980's and is currently on the Boards of Scenic Maryland and Maryland Nonprofits where he serves as Public Policy Committee Co-Chair.

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

Kathleen L. Maloney: Katie is the Executive Vice President and Legislative Affairs Director for the MD State Builders Association. She currently handles policy priorities for the building industry in the legislative and regulatory agencies. She lives in Annapolis where she enjoys sailing and running. Katie serves on the Executive Committee of CAC.

Steele Phillips: A retired farmer from Dorchester County, Steele has been an at-large appointee since 1991. He is a Supervisor of the Dorchester Soil and Water Conservation District, and on the President's Advisory Council and a former Trustee of the Chesapeake Bay Foundation. Steele also sits on the Board of the Eastern Shore Land Conservancy and the Nanticoke Watershed Alliance Board. Steele represents CAC on the Bay Program's Nutrient Subcommittee.

Charlie Stek: Charlie is an environmental consultant and recently retired chief policy advisor to Senator Paul Sarbanes on Appropriations, Environment, Natural Resources, Public Works and Transportation issues. He served as transition projects director to Senator Benjamin Cardin. Charlie is currently working on the No Child Left Inside legislation.

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

Nikki Tinsley: Nikki the Committee Vice-Chair and is a consultant and recently retired Inspector General to EPA where she provided audit oversight to help improve federal grant accountability and worked with political leaders and agency managers to develop national environmental goals and strategies to protect human health and the environment.

John McNeil (Neil) Wilkie, Chair Emeritus: Neil is Managing Director of the Davidson Capital Group, LLC. Prior positions since retiring as Vice Chairman of Morgan Guaranty International Bank include serving as Washington Area Managing Partner of Tatum CFO Partners and CEO of Eurotech, Ltd., a DC based public company involved in nuclear waste remediation. Neil now resides in Galesville, MD. Neil served as CAC Chair from 2006-2008 and

as Vice-Chair of the Chesapeake Bay Blue Ribbon Finance Panel. Currently he serves a Maryland's Vice-Chair of the Board of Directors of the Alliance for the Chesapeake Bay.

PENNSYLVANIA

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

Jim Elliott: Jim serves as the Committee Chair. He is an attorney with Hunton and Williams in Washington, DC, specializing in environmental law. Jim lives in Pennsylvania and has served on the Bay Program's Budget Steering Committee.

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

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

Betsy Quant: Betsy is a family business operator, serving as Office Manager, Accountant, and Chief On-Site Assistant for Canoe Susquehanna, and Ironwood, an electrical, plumbing and heating firm.

There is currently one Gubernatorial Pennsylvania Vacancy.

VIRGINIA

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

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

Stella Koch: Stella resides in Fairfax County in Great Falls. She is the Virginia Conservation Associate at Audubon Naturalist Society. She is a founding member of the VA Environmental Network, later incorporated into the Coalition for Smart Growth. She serves on the Boards of the

Center for Watershed Protection; the Potomac Riverkeeper and on the Environmental Quality Advisory Council to Fairfax County Board.

William J. Whitney: Jack has served as an At-Large appointment since 1989. Jack was formerly the chief environmental planner for Virginia Beach and is now Directors of the Virginia Beach Department of Agriculture and Department of Planning. Jack is a past Chair of CAC, and currently serves on CAC's Executive Committee.

There are currently two Gubernatorial Virginia Vacancies.

DISTRICT OF COLUMBIA

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

Jack Nelson: Jack is a recently retired Program Manager with the Employment Compliance Technical Assistance Division of the US Department of Agriculture. A District appointment since 1991, Jack is active with the Highland Beach & Venice Beach Citizens Associations.

There are currently two Mayoral District Vacancies.

CAC YOUNG DELEGATES

Maryland:	Vacant
Virginia:	Jess Cadwallender , Greener Oil Company, Richmond, VA
DC:	Vacant
Pennsylvania:	Vacant
Young Delegate Mentor:	Jeremy Rothwell , Cecil County, MD

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