

Citizens Advisory Committee TO THE CHESAPEAKE EXECUTIVE COUNCIL



Diverse Voices Unified for the Chesapeake

**2010 REPORT TO THE
CHESAPEAKE EXECUTIVE COUNCIL**
June 3, 2010



Citizens Advisory Committee to the Chesapeake Executive Council

2010 Annual Report of Recommendations

(Issued May 14, 2010)

Introduction

Since the Executive Council met May 12, 2009 the Citizens Advisory Committee to the Chesapeake Executive Council (CAC) has met in each of the signatory jurisdictions to discuss local progress and challenges, Chesapeake Bay Program accountability and emerging issues. Additionally, in an effort to communicate with the general public CAC has created a pilot website (www.chesapeakecac.org) to share information about what we do and offer website visitors the option of sharing their views with us through a simple survey. This 2010 annual report of recommendations highlights the themes CAC has pulled from their meetings and discussions: **Equity, Accountability, “Do No Harm”, and Citizen Engagement.**

Over the past year we have seen some encouraging news that should give everyone concerned about the Bay hope that Chesapeake Bay Program’s efforts make a difference: the signing and the reporting on the Chesapeake Bay Executive Order; the introduction of Congressional Chesapeake Bay legislation; the beginning of landmark Chesapeake Bay TMDL Watershed Implementation Plans; the first Chesapeake Bay Clean Water Coalition Conference; and an increased crab population. As we have stated in the past, living resources and fishable, swimmable water are the main factors the average citizen associates with a successful watershed

recovery. We are encouraged to see how targeted, science-based management decisions demonstrate progress towards the clean-up goals.

We wish to recognize the hard work of the Chesapeake Bay Program partners, especially in producing the reports for the Chesapeake Bay Executive order and many TMDL public meetings, and lastly, their willingness to meet with us and provide us regular updates.

Points of Recommendations

EQUITY

It is imperative that each sector contribute their fair share of the pollution prevention and reduction if we are to succeed in restoring the Chesapeake Bay and its rivers. Equity in contribution also applies to all levels of government: the federal, state and local government agencies should all be active partners in implementation. Over the past few years waste water treatment plants and municipal authorities have been upgrading their systems and are on their way to limits of technology to comply with the stricter water quality standards for the watershed. While point sources are typically the easier source to regulate through permitting, we must not allow these sources to become mere back-stops because we find regulation of non-point sources politically sensitive or controversial. In the end if we fail to require an equitable distribution of the work load among the point and non-point pollution sources we simply will not meet our clean water goals.

Stormwater runoff associated with poorly planned development, unmonitored development practices, and irresponsible agricultural practices constantly negate the work of our

environmental agencies, local governments, progressive farmers, businesses, and watershed organizations who everyday seek to be responsible stewards of their rivers and streams. Many of these services are funded by taxpayers. We strongly encourage you to help ensure that taxpayer investments in cleaning our rivers are balanced by enforceable non-point source regulations so that private entities will transition their traditional practices into innovative ones that still promote healthy growth and sustainable (profitable) agriculture, while also promoting healthy rivers. Our local governments have a key role in implementing stormwater regulations and setting policies that encourage good stormwater practices. Leadership from the federal agencies and States is important, but local governments are going to need strong technical support and financial assistance if we are to succeed one county, city or township and river at a time. Every year that we allow a “hands-off” approach to this significant source of pollution, we in effect ensure that future generations inherit ever- rising costs of clean-up.

Specifically, we suggest EPA actively recruit the participation of other federal agencies into the Federal Leadership Committee that can help advance the effort. For example:

- The U.S. Department of Education to assist the states in the watershed and coordinate with NOAA, EPA and the U.S. Department of the Interior, in undertaking more comprehensive outdoor environmental education programs and support State Environmental Literacy programs;
- The U.S. Department of Transportation to reduce impacts of stormwater runoff from roads, help direct state planning organizations to give due consideration to public access to waterways along federal-aid roads and bridges, and designate waterway access as an eligible use of Transportation Enhancement program funds; and

- The Federal Energy Regulatory Commission (FERC) to reduce unintended impacts from transmission power line corridors sited to potentially run through sensitive and ecologically valuable lands and water and as the licensing agency for the Conowingo Dam, FERC should be brought into the greater conversation about the dam and its role / potential impacts in the Chesapeake Bay watershed;
- Lastly, there is a great opportunity for EPA to lead by example in reducing stormwater in the District of Columbia, since nearly 30% of the land is federally owned.

ACCOUNTABILITY

CAC has been a long time proponent of strong accountability for the restoration effort. CAC is encouraged that the Bay Program partners are talking more about accountability and that the Executive Order calls for annual action plans and independent evaluation of progress toward the goals. The jurisdictions' two-year milestones and TMDL reasonable assurance are good steps to improved accountability. We encourage you to build-in strong elements of reasonable assurance into the Watershed Implementation Plans so the TMDL will be successful and future political leaders will be able to enforce the practices required to meet the water quality standards.

A key issue of accountability is verification of reported activities that are the basis of the reports to the public on progress toward the goals. As we mentioned above, taxpayers fund many of the Best Management Practices (BMPs) that reduce pollution to our rivers. Citizens simply want to know their money is spent wisely and effectively, and whether or not we are reaching our restoration goals, and if not, then why? Additionally, BMPs should be verified by third parties particularly if this data serves as the basis for the state and potential watershed-wide nutrient

trading programs. We strongly encourage you to be advocates for clear, transparent accountability measures, tougher enforcement of existing regulation, and any changes to legislation that will increase accountability and regulatory oversight.

DO NO HARM

CAC has advocated the jurisdictions incorporate a principle of “Do No Harm” to the environment. This is a precautionary principle when considering new, emerging issues, like Marcellus Shale natural gas drilling and mounting scientific evidence of human health impacts from pollution. While Marcellus Shale natural gas drilling could reduce our need for foreign oil, the chemicals and techniques can have devastating effects on local drinking water supplies and local water quality in streams and rivers that flow into the Bay. The “Do No Harm” principle should also apply to added pollution from stormwater when considering projects that drastically increase impervious surfaces. We must express our continued concern with the sediment build-up behind the Conowingo Dam that could be scoured into the watershed with a large storm. Simply stated, the Bay was “lucky” again this year. The torrential rains that fell in New England, a few hundred miles north, or in Tennessee, a few hundred miles southwest, could have just as easily hit the Mid-Atlantic States. If that occurred and the dam reacted like during Hurricane Agnes, the nearly 30 years of work of the Bay Program might have been for naught. We encourage you to give thoughtful consideration and foresight to whether good intentions might yield unwanted, expensive and unhealthy consequences especially when seeking to balance the public good on these types of emerging and on-going issues.

Consistent with this anti-degradation theme, CAC believes that federal agencies whose projects and programs- including grants to states and local governments- may impact upon the Chesapeake Bay water quality or living resources should be required to issue a certification to EPA that no net increase in pollution loads and no net loss of wetlands, habitat or living resources would result from expenditure of federal funds for those projects, grants or programs. In instances where such increase in pollution loads or loss of habitat and living resources are determined to be unavoidable, mitigation should be required at a minimum ration of 2 to 1.

CITIZEN ENGAGEMENT

As we have stated before, CAC believes citizen engagements is a crucial component to restoration success. Environmental education in the formal education system and through informal ways of connecting families to nature such as public access to the local rivers and land conservation are valuable ways to better engage the average citizen in the clean-up effort. We encourage you to work with local partners to identify 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 and rivers gets the community engaged in caring for natural resources and is a catalyst for communities to support their local governments to protect water quality and living resources. In conclusion, the Citizens Advisory Committee, representing a diverse group of your constituents, is dedicated to monitoring the progress of watershed recovery. As you work over the coming year together with the Federal Leadership Committee, we encourage you to be strong advocates for equitable responsibility for pollution reduction and clear accountability for progress that is measurable and verifiable; embrace the concept of “Do No Harm” in your

decisions to guide the restoration effort, and give strong consideration to meaningful citizen engagement and stewardship in your programs and outreach. We understand that recovering an ecosystem can be slow and incremental, especially one as complex as the Chesapeake Bay, but we believe political leadership and dedication is crucial to accelerating our progress. As your citizen advisors, we support you to make the tough political decisions that remain which will move us beyond slow, incremental progress so citizens across the watershed can begin to experience their local river's recovery.

2010 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.

Charlie Stek: Charlie serves as Chairman of the Board of the Friends of the John Smith Chesapeake Trail and as Policy Director of the No Child Left Inside Coalition. He retired in 2007 after a 28-year career on Capitol Hill serving primarily as a senior policy advisor and projects director for Senator Paul Sarbanes, advancing Chesapeake Bay and other initiatives.

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

Nikki Tinsley: Nikki was the Inspector General for the Environmental Protection Agency (EPA) from November 1998 until February 2006. She simultaneously served as Inspector General for the U.S. Chemical Safety and Hazard Investigation Board. Prior to her appointment as Inspector General, she has served in various management and audit positions including EPA, the Department of Interior's Minerals Management Service, and the US Government Accountability Office. As Inspector General, she provided audit oversight and conducted criminal investigations for EPA and CSB programs and operations, and worked with political leaders and Agency managers to develop national environmental goals and strategies to protect human health and the environment. Ms. Tinsley has a Masters Degree in Management and is a Certified Public Accountant. Currently, she provides project management and consulting services to private and public entities; and, she serves as Vice-Chair of the Citizens Advisory Committee.

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.

There is on Maryland Gubernatorial vacancy.

PENNSYLVANIA

William Achor: Bill is a Business Developer for Cargill, Inc. within their Emerging Business Accelerator business platform. He works with customers and Cargill businesses to explore sustainable solutions and applications for organic food residuals. Prior to Cargill, Bill served as an environmental coordinator for a major mid-Atlantic feed manufacturer and was an environmental consultant. Bill has held several agricultural committee chairs and co-chairs in Harrisburg helping to establish environmental policy in nutrient management for agriculture in the Chesapeake Bay Watershed.

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

VIRGINIA

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

Christy Everett: Christy is the Virginia Director for the Hampton Roads Chesapeake Bay Foundation. Christy oversees CBF volunteer recruitment, restoration, outreach and advocacy

programs in Hampton Roads. Prior to joining CBF in 2000, she coordinated the Tributary Team for Maryland's Eastern Shore under the MD Department of Natural Resources.

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

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

Eileen Filler-Corn: Eileen is the Director of Government Relations for Albers & Company. Her principal areas of expertise are IT, health care and education. She represents clients before political and policy organizations, and serves as liaison with various National and Regional Governors' Associations as well as with the National Association of State CIOs and National State Legislative Associations including the Council of State Governments, the American Legislative Exchange Council, and the National Conference of State Legislatures. Prior to joining Albers & Company in 2007, Eileen served under both Virginia Governors Mark Warner and Tim Kaine in their Washington DC Capitol Hill office. Most recently, Eileen was elected to the Virginia House of Delegates, representing the 41st district.

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

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

CAC is staffed by the Alliance for the Chesapeake Bay.

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