

# Citizens Advisory Committee TO THE CHESAPEAKE EXECUTIVE COUNCIL



*Diverse Voices Unified for the Chesapeake*

**2008 REPORT TO THE  
CHESAPEAKE EXECUTIVE COUNCIL**  
November 20, 2008



# **Citizens Advisory Committee to the Chesapeake Executive Council**

## **2008 Annual Report of Recommendations**

(Issued November 7, 2008)

In 2008 the Citizens Advisory Committee to the Chesapeake Executive Council (CAC) focused their work on two crucial attributes of successful ecosystem restoration: accountability and accelerated implementation of measurable restoration goals. These were CAC's self-identified work priorities in 2008. In May CAC convened a panel of representatives from the Great Lakes, Everglades and the Massachusetts Ocean Partnership to learn best practices on accountability and acceleration that could be transferable to the Chesapeake Bay effort. The two salient findings were: (1) A permanent, independent accountability mechanism will help ensure appropriate responsibility toward program implementation and (2) A coalition of non-governmental watershed organizations can enhance NGO coordination and accelerate implementation. Since then, CAC was pleased to help convene and participate in numerous government and stakeholder discussions on the merits and methods of introducing these new components into the Chesapeake Bay restoration effort. Based upon this work, quarterly meetings throughout the watershed and internal CAC discussions, CAC is pleased to offer the following Annual Report of recommendations to the esteemed members and principals of the 2008 Chesapeake Executive Council.

The Citizens Advisory Committee acknowledges progress the Bay Program partners have made in restoration, but we also recognize that the third Chesapeake Bay agreement deadline is nearly upon us and we find we are “holding the line” on a degraded ecosystem. According to the 2007 Chesapeake Bay Health and Restoration Assessment monitoring results even indicate trends moving farther away from a healthy watershed- particularly in urban and suburban areas. Like many citizens throughout the nation, we acknowledge the economic climate and fiscal restraints of both the public and private sectors. However, the cost of Bay recovery if continually delayed and de-prioritized will significantly increase every year we allow the status quo to tip towards a more degraded ecosystem. We believe the window of opportunity to turn the tide on Bay recovery is closing fast. Not only is our national treasure at risk, but so is our culture, history and quality of life that is anchored by a healthy and productive Chesapeake Bay and river watershed.

We continue to believe in the mission of the Chesapeake Bay Program and we understand more effort is underway to better target restoration spending. We commend the collaborative solutions between States like recent actions to reduce the pressure on blue crab populations. However, we must acknowledge a growing sense of public frustration and waning trust in the Program. As your citizen advisors, CAC believes it is time to take bold new action to advance the clean-up effort beyond merely “holding the line”. To this end **CAC strongly supports the creation of a permanent, independent evaluator to ensure accountability and each Bay jurisdiction setting aggressive two-year clean-up goals with meaningful consequences. Lastly, CAC recommends you re-think land use decisions that negate the hard work of your environmental agencies, our local governments, farmers, businesses, and watershed organizations who everyday seek to be responsible stewards of their rivers.**

## **INDEPENDENT EVALUATOR**

CAC believes a permanent, independent evaluator will afford the Bay Program Partners the ability to honestly assess and correct challenges to program implementation. We encourage the Partners to move forward with the creation of the evaluator with two very important elements in mind: **(1) True Independence of the Evaluator and (2) a Sharp Focus on Implementation.**

Whatever entity is selected to serve, we recommend the evaluation function be for the long term. While the evaluator must be held responsible for delivering meaningful reports, the evaluator's position should not be contingent on the political implications of the reporting results. The Citizens Advisory Committee is in a unique position to help the independent evaluator and would like to be involved in this work. The evaluator's independence is crucial to what CAC believes are the true functions of evaluation: ensuring accountability; bolstering credibility and confidence in the Program which helps secure future financial support; and ultimately, accelerating measurable progress in watershed recovery.

We feel that while the *all* the science behind the restoration effort may not be perfect, there is a clear course laid ahead for what we know must be done on-the-ground. For maximum benefit to the Program, the evaluation should sharply focus on impediments to implementation of the Tributary Strategies (policy, regulation, enforcement, etc...); otherwise the results will not be valuable enough to warrant the time and money spent on the evaluation itself. Once meaningful evaluation occurs, the scientific community can help hone-in on adaptive management strategies that yield the restoration "biggest bang for the buck".

## **2 YEAR GOALS AND CONSEQUENCES**

It took over 400 years of human and natural impacts to degrade the Chesapeake Bay at the level we see today. CAC acknowledges the unique and complex nature of the Chesapeake Watershed ecosystem and that the Bay will not be returned to a healthy, productive estuary overnight. However, as we reflect on the 25 Year Anniversary of the Chesapeake Bay Program, there is a sense that we must change the approach to this enormous and sometimes daunting task of a multi-state, multi-government restoration effort. CAC believes short term goals 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 in shorter timeframes is possible. **CAC supports the Bay jurisdiction in developing two-year restoration goals by the 2009 Chesapeake Executive Council meeting.**

Furthermore, CAC believes watershed recovery is not merely an aspirational goal; it's imperative. While the concept of facing consequences if two-year goals are not met may be difficult, CAC believes the consequences of loosing the Bay and its rivers beyond repair are much greater, and as we mentioned above, increasingly more expensive. **Adopting two-year restoration goals and consequences is an appropriate demonstration of the Partner's leadership and commitment to the citizens in the Chesapeake Bay Watershed and sets the stage for a meaningful Bay TMDL process. CAC recommends consequences are imposed through enhanced enforcement.**

## **RE-THINK LAND USE**

CAC strongly recommends the Chesapeake Bay Program Partners take a leadership role in elevating land use as a special issue in need of immediate attention. It is worth re-stating the staggering statistic that from 1990 - 2000 our region experienced an 8% population increase with a 41% increase in impervious surfaces. Audits, studies and the 2007 Inspector General report clearly indicate development growth is one of the biggest challenges to the restoration effort.

If we do not address this issue at all levels of government, then we will never realize our water quality and living resource goals. Many innovative local governments are showing successes in this area and we acknowledge many more will need additional help. We ask the policy leaders in each jurisdiction to re-think the integral relationship between sprawl development, transportation, and the health of local communities and rivers.

Throughout the watershed there is evidence of the trend in farm land conversion to huge housing developments located many miles from population centers and job markets. Some homes in rural areas are more recently abandoned for homes closer to jobs and schools, yet the roads, rooftops and other associated impervious surfaces continue to flash flood our rivers with polluted runoff. This phenomenon invokes a new term, “slum-urbia”- the abandoned “McMansion” neighborhood that has replaced the family farm.

CAC acknowledges that many of the zoning and land use decisions are the authority of local governments and that each State and the District will have a unique approach to addressing land use. CAC recommends the States set policies that supports and reviews environmental strategies

in local government comprehensive plans including: responsible planning for growth; the adoption of local zoning and code ordinances that support environmentally sound design principles; and reducing disproportionate amounts of impervious surfaces.

As CAC has stated in the past, we believe there is a role for the Bay Program in land use. **CAC strongly encourages the Partners to convene an Action Team to recommend how to completely re-work the Sprawl Goal in the Chesapeake 2000 Agreement.** Almost nine years after the goal was set, there has been virtually no movement forward, even though in 2003 the Bay Program named the Sprawl Goal one of the ten Keystone Commitments out of the 102 C2K goals. Innovative practices is one element of the solution, but the Partners should consider additional approaches if we truly expect to see positive measurable results.

### **EMERGING ISSUES**

**Natural Gas Drilling in the Marcellus Shale:** CAC is concerned about potential negative water quality, quantity and drinking water impacts natural gas drilling will have in the region. **Policy-makers and permitting managers must take a comprehensive look at impacts on local communities, stressed infrastructure and downstream.** We recommend jurisdictions move forward with caution and when appropriate learn from other States the best practices to protect vulnerable systems and natural resources. The Citizens Advisory Committee, led by the Pennsylvania members, welcomes the opportunity to work collaboratively with you on some of these issues.

**Oyster Restoration:** CAC has been following oyster restoration efforts and the multi-year, multi-million dollar Federal Environmental Impact Study (EIS) on potential introduction of a non-native oyster in the Chesapeake Bay environment. We are disappointed that the EIS did not provide a clear scientifically-based recommendation, but rather has turned this difficult policy question over to the court of public opinion. **CAC is a strong proponent of the ‘precautionary principle’ and believes policy leaders have an obligation to uphold the tenets of precaution when many of the short and long term outcomes of a non-native species introduction are still unknown and unpredictable.**

In conclusion, the Citizens Advisory Committee, representing a diverse group of your constituents, is dedicated to monitoring progress in the Bay and rivers. CAC offers these recommendations and our availability to meet with you and your principals to talk about how we may be able to help advance watershed protection and restoration. **An independent evaluator acutely focused on implementation will illuminate new opportunities for action. Two year goals with consequences show strong political leadership and an endorsement of accountability. Committing to the greatest challenge of restoration- land use- demonstrates visionary guidance towards your pledge to watershed recovery. We believe these actions will help to push us beyond “holding the line” and will help renew the hope of a healthy Chesapeake Bay region.**



## **2008 CAC MEMBERSHIP**

### **MARYLAND**

**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.

**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.

**Nikki Tinsley:** Nikki 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. In October 2008, Nikki was elected as CAC's Vice-Chair.

**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.

## **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 in an At-Large capacity. 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. In October 2008 Jim was elected Chair of CAC.

**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 at Wachovia Securities, residing 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.

**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.

**Louis Ryan:** Louis is a retired executive vice president and general counsel for Landmark Communications Inc. He resides in Hampton Roads, VA and serves on the Boards of Chesapeake Bay Foundation advisory council and the Elizabeth River Project. Past leadership

includes Lead Hampton Roads board chair, the Planning Council board, Hampton Roads Chamber of Commerce board and the Virginia State Bar chair of the Business Law Section.

**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 is currently one Gubernatorial Virginia Vacancy.

### **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:	<b>Sarah Gregg</b> , Washington College
Virginia:	<b>Aaron Pratt</b> , Virginia Tech
Young Delegate Mentor:	<b>Jeremy Rothwell</b> , Cecil County, MD

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