

Citizens Advisory Committee to the Chesapeake Executive Committee



Chesapeake Bay Program

A Watershed Partnership

REPORT TO THE CHESAPEAKE EXECUTIVE COUNCIL 2003

Diverse Voices Unified for the Chesapeake

Citizens Advisory Committee to the Chesapeake Executive Council
2003 Annual Report
(Issued December 9, 2003)

During the past year, the Citizens Advisory Committee (CAC) has sharpened its focus in several areas, including Water Quality, Land Use, and Citizen/Community Engagement. The Committee has engaged with Bay Program staff, technical committees, and various stakeholders on these issues. Based upon this work and internal CAC discussions, CAC is pleased to offer the following recommendations to the Chesapeake Bay Program Executive Council (EC):

- **The EC needs to firmly commit to the already overdue deadline for tributary strategy completion of April 2004. Implementation of specific tributary nutrient and sediment reduction strategies remain the cornerstone of water quality improvements critical to restoring the health of the Bay. Any delay compromises the overall Bay restoration and protection effort.**
- **The EC should support the Bay Program’s effort to prioritize its future vision by embracing the 10 “Keystone Commitments” adopted by the Implementation Committee, and direct the Bay Program to continue reflecting these priorities in managing its activities over the coming year.**
- **The EC should endorse nutrient trading as a tool for nutrient reductions and aggressively move forward to develop and implement a Chesapeake Bay trading program.**
- **The EC should support funding for the recommendations of the National Academy of Sciences in “Non-Native Oysters in the Chesapeake Bay”, as well as funding to correct the underlying problem of poor water quality.**
- **The EC should endorse a Riparian Forest Buffer goal of 26,000 miles; the proposed 10,000-mile goal by 2010 is not progressive and is not consistent with the water quality goals of C2K.**
- **The EC should integrate the U.S. Secretary of Agriculture into the Chesapeake Bay Program leadership, either at the EC or the Principals’ Staff Committee level.**
- **The EC should direct each member’s own lobbying resources and efforts into a joint effort to obtain federal funding for Bay restoration, demonstrating that the Chesapeake Bay is a priority. In addition, each jurisdiction needs to make a greater funding commitment to Bay restoration. Additional funding is critical to long-term success of achieving C2K commitments.**
- **The EC needs to embrace a new commitment in taking the necessary leadership action to accelerate the pace for restoring the water quality of the Chesapeake Bay.**

CITIZENS ADVISORY COMMITTEE (CAC) BACKGROUND

In November 1984 the Chesapeake Executive Council (EC) announced the appointment of 25 members to a new Citizens Advisory Committee (CAC). These appointments gave substance to the commitment made by the EC at its initial meeting, in January 1984, to emphasize citizen involvement in the implementation phase of the Chesapeake Bay Program.

CAC provides assistance to the EC, Principals' Staff Committee, Implementation Committee and all Bay Program subcommittees, as needed in implementing Chesapeake Bay agreements. Members communicate with their constituencies to increase understanding of the agreements and programs to restore and protect the Bay. The membership is broad-based with representatives from agriculture, business, conservation, industry, and civic groups. Since 1984, CAC has provided a non-governmental perspective on the Bay cleanup effort and on how Bay Program policies affect citizens who live and work in the Chesapeake Bay Watershed.

CAC is now composed of 12 gubernatorial appointments from the States of Maryland, Virginia and Pennsylvania; 4 mayoral appointments from the District of Columbia; and 9 At-Large Appointments made by the Board of Directors of the Alliance for the Chesapeake Bay. This ensures diversity among our membership. CAC meets quarterly, traveling around each signatory jurisdiction to address different priorities.

CAC was actively involved in the drafting of the *Chesapeake 2000 Agreement (C2K)*. The EC endorsed this Agreement on June 28, 2000. CAC participated throughout the drafting process, focusing on the importance of addressing land conservation and land conversion in the Agreement. CAC has placed a similar priority on monitoring the progress towards achieving the goals within the C2K.

Renewing its focus in 2002, CAC targeted Water Quality, Sound Land Use, and Citizen Engagement as its top priorities. CAC restructured itself to accommodate this focus by creating three workgroups within the committee.

In 2001, CAC invited four young, non-voting, delegates to participate in CAC. Each signatory jurisdiction is responsible for selecting a young individual to bring a new perspective on Bay issues. The Delegates contribute to CAC deliberations, as well as periodically complete a specific project of their own, focused on a Bay priority. CAC believes the young delegate program introduces restoration and protection of the Chesapeake to a generation that will inherit the Bay. The program has been very successful, with the Young Delegates actively interacting with CAC members and Bay Program committees. Over the course of 2003, the Young Delegates have taken on an outreach project regarding the Scientific and Technical Advisory Committee's report, *Chesapeake Futures*. The Young Delegates have been in contact with Colleges and Universities within their respective jurisdiction, encouraging use of the Future's report into environmental curriculum. One Delegate is working on incorporating the message from the report into a teacher-ready, user-friendly power point presentation.

While the membership of CAC has revolved through the years, the message remains consistent: The Citizens of the Chesapeake Bay Watershed are concerned with the health of the Bay and insist that resources be allocated to meet the goals of the C2K.

CAC MEMBERSHIP, 2003

MARYLAND:

Robert J. Etgen: Rob Etgen is the founding Executive Director of the Eastern Shore Land Conservancy, a regional conservation organization with over 35,000 acres preserved. The Conservancy also coordinates a six county land use agreement on Maryland's Eastern Shore aimed at better-managed growth and improvement of the Chesapeake Bay.

Kathleen W. Glaser: Kathleen is a professor at St. Mary's College of Maryland.

Verna Harrison: Verna is the Executive Director of the Keith Campbell Foundation for the Environment. She was Assistant Secretary, Md Department of Natural Resources for 20 years, chaired the Bay Program Living Resources Subcommittee and served on Governor Harry Hughes' staff during the development of the Bay Program from 1979-1983.

Kathleen L. McHugh: Katie McHugh 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. Katie serves as the Chair to the CAC Sound Land Use Workgroup. She lives in Annapolis where she enjoys sailing and running.

G. Steele Phillips: A retired farmer from Dorchester County, Maryland. Steele is an at-large appointee since 1991. He is a Supervisor of the Dorchester County Soil Conservation District, and represents the District on the Nanticoke Watershed Alliance. Steele is a former Trustee of the Chesapeake Bay Foundation; now serving on the Presidents Advisory Committee. He represents CAC on the Bay Program's Nutrient Subcommittee.

Lina Vlavianos: Lina is the Supervisor of the Anne Arundel County Soil Conservation District and also serves on the Severn River Commission.

PENNSYLVANIA

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.

John (Drew) Hadley, Vice-Chairman: A resident of Tunkhannock, Drew is the Global Environmental Leader for the Procter & Gamble Paper Products Company. Drew is an avid canoeist and is involved with local watershed preservation on the Susquehanna River. Besides serving as the CAC Vice-Chairman, Drew serves as the CAC Chair of the Water Quality Workgroup.

Dr. Patricia Levin: Dr. Levin is a Registered Nurse, Folklorist and Geneologist. 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.

Allen Wenger: An at-large appointee from Pennsylvania, Al is the former Executive Officer of the Wenger's Feed Mills, Inc. He is an instructor at the Hershey Campus of the Pennsylvania State University and is currently consulting in the agricultural industry.

VIRGINIA

Nancy L. Alexander: Ms. Alexander is an Assistant Vice President at SunTrust Bank, as a systems analyst, 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 wetlands conservation. She presently sits on the Bay Program's Non-Tidal Workgroup.

J. Carter Fox: Mr. Fox is the retired Chairman and CEO of the Chesapeake Corporation and is currently a director and consultant to Shaw, McLeod, Belser & Hurlbutt, Inc., a forest resource consulting firm. Mr. Fox resides in Burgess, VA and is a Trustee of the Chesapeake Bay Foundation and the American Forest Foundation.

Roy Hoagland, Chairman: Roy is the Virginia Executive Director and Senior Attorney for the Chesapeake Bay Foundation. He is a member of several state and national professional organizations, advisory committees, and non-profit organizations.

Andrew Protogyrou: Mr. Protogyrou is an attorney and partner in the firm of Protogyrou & Rigney. He resides in Norfolk.

John Tankard III: Mr. Tankard is Vic-President and Co-Owner of Tankard Nurseries in Exmore. He resides in Eastville.

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 Director of the Virginia Beach Department of Agriculture.

DISTRICT OF COLUMBIA

Carl Cole: Serving as an appointee of the District of Columbia, Carl is a Management Consultant for small and minority owned businesses. He is the former Director of the Climate Institute.

Jim Elliott: Jim serves in an At-Large capacity representing the District of Columbia. He is an attorney with Hunton & Williams in Washington DC, specializing in environmental law. Jim serves on the Bay Program's Budget Steering Committee.

William Martin, Jr.: Appointed by the District of Columbia, Bill is a retired Patent Agent with the US Patent Office. A boat owner, Bill is active in boating, fishing and gold.

Jack Nelson: Jack is a 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.

John McNeill (Neil) Wilkie: An appointment of the District of Columbia, Neil recently served as CFO and subsequently President of Eurotech, Ltd., a Washington based firm engaged in international nuclear waste cleanup in Europe. Previously Neil retired as Vice Chairman of Morgan Guaranty Bank International. Neil is a partner in Tatum CFO, a partnership of career Chief Financial Officers. He resides in NW Washington DC. Neil serves as the Chair for the CAC Communications Workgroup, and sits on the Bay Program's Communication and Education Subcommittee.

CAC YOUNG DELEGATES

Maryland: **Jayni Shah**, University of Maryland

Virginia: **Melanie Allen**, VA Department of Transportation

Pennsylvania: **Colleen Haney**, Dickinson College

District of Columbia: Vacant

CAC is staffed by the Alliance for the Chesapeake Bay

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POINTS OF RECOMMENDATIONS

TRIBUTARY STRATEGIES

On March 21, 2002, the Principals' Staff Committee agreed to a basin-wide load of 175 million pounds/year of nitrogen and 12.8 million pounds/year of phosphorus. These allocations were based on the best scientific information available, and are intended to meet the needs of the Chesapeake Bay's living resources. The allocations will serve as a basis for each jurisdiction's tributary strategy that, when completed by April 2004, will describe local implementation actions necessary to meet the C2K nutrient and sediment loading goals by 2010. The jurisdictions agreed to distribute the Bay wide cap load for nitrogen and phosphorus by major tributary basin and jurisdiction.

While CAC does support the nitrogen and phosphorus allocations, CAC does not support the idea of nutrient equivalent. Nutrient equivalent is trading one pound of nitrogen for phosphorus, or vice versa. We must adhere to the allocations each jurisdiction received individually for both nitrogen and phosphorus. If the policy of nutrient equivalent is accepted, this will have a huge ripple effect on our living resources.

The EC needs to endorse the nitrogen and phosphorus allocations, and commit to the tributary strategy April 2004 deadline. The tributary strategies are already presently two-years behind. Implementation cannot begin until it's known what Best Management Practices (BMPs) are necessary to reach the nitrogen and phosphorus allocations. No delay on the tributary strategies can be accepted.

CAC has received status updates from each jurisdiction, and intends on tracking this progress until release of tributary strategies on April 30, 2004. In 2004, CAC will strive to assist in the tributary strategy implementation, when possible.

KEYSTONE COMMITMENTS

CAC applauds the Chesapeake Bay Program for setting priorities through the announcement of the 10 Keystone Commitments. The Keystone Commitments were narrowed down from the 100 plus commitments in C2K. With the limited resources available at this time, it reflects great leadership among the Bay Program Office to prioritize the workload. All partners have agreed to the Keystone Commitments, including CAC. Identifying keystones enables the Bay Program partners to focus their efforts on critical needs.

CAC played a critical role in making sure that "overarching, pervasive and essential to all our efforts is the commitment to 'make education and outreach a priority in order to achieve public awareness and personal involvement on behalf of the Bay and local watersheds'."

CAC has drafted its 2004 quarterly meeting agendas around addressing each of the ten Keystone Commitments, and tracking their progress. The EC should support the Bay Program's effort to prioritize its future vision by embracing the 10 "Keystone Commitments" adopted by the Implementation Committee, and direct the Bay Program to continue reflecting these priorities in managing its activities over the coming year.

NUTRIENT TRADING

On November 13, 2003, CAC heard a presentation from Bob Rose, EPA, on a possible nutrient trading opportunity within the Chesapeake Bay watershed. CAC endorses the concept of nutrient trading, and recommends the EC does as well. The proposed nutrient trading program addresses point-source to point-source trading, using a permit system.

In a time when we need enormous nutrient reductions, we must look to new and innovative ways. Pennsylvania at this time is investigating a nutrient trading pilot program, and CAC applauds the Commonwealth for the work that has been done to date. The EC should not only endorse this concept, but also push it to move aggressively forward. There are multiple opportunities available to us through nutrient trading.

CAC will continue to monitor the status of implementing nutrient trading in our Bay jurisdictions.

OYSTERS

On November 12, 2003, CAC hosted an oyster panel that focused on the Keystone Commitment to achieve a tenfold increase in native oysters by 2010. This was our third examination of the oyster issue in recent years. CAC listened to the state of the science for *C. Virginica*, the native oyster, and *C. Ariakensis*, the non-native oyster. We also heard from representatives from Maryland and Virginia on the efforts and policies for native and non-native oysters.

It is the belief of CAC that the underlying problem for oyster recovery is water quality. Therefore, resources must be invested to correct this problem if we are to expect any oyster strain to sustain in the Chesapeake Bay.

CAC is deferring any recommendation to the EC on the introduction of the non-native oyster at this time until the work of the National Academy of Sciences has been completed. CAC supports and encourage the additional research the NAS Study calls for. This needs to be quickly funded to get immediate results. A full Environmental Impact Statement process will be undertaken, and CAC will track and weigh in on that process.

RIPARIAN FOREST BUFFERS

Before the EC is an Adoption Statement for a new Riparian Forest Buffer goal of 10,000 miles by 2010, with a long-term goal of 26,000 miles. CAC has concerns with the goal as it's drafted. The goal is not progressive, and supporting a goal of 10,000 miles would not support our water quality goals.

The Chesapeake Bay Program Office has shown through scenarios that 70-75% of stream banks should be buffered to meet nutrient and sediment reduction goals. This equates to 33,000 miles, including the headwater states, or 26,000 miles excluding the headwater states.

The proposed 10,000 miles is far below the amount necessary to aid in the Chesapeake Bay restoration effort. This should not be accepted when we are faced with such challenging attainment goals. The time to do more is now. The EC needs to step up to the challenge at hand, and accepting the drafted 10,000 miles of riparian forest buffers would set a dangerous precedent.

While it has been argued that tributary strategies might show other BMPs will reach necessary reductions, riparian forest buffers have proven to be one of the most cost-effective and efficient BMPs. Tributary strategy model runs have shown we have to do everything everywhere to meet the 2010 allocations. We must take this first step with our riparian forest buffers. Not only will they aid in meeting our water quality goals, they provide essential habitat to our living resources, something other BMPs can't provide. We must take every opportunity presented before us to move this restoration effort forward. The EC needs to show they are committed to the restoration of the Chesapeake Bay.

OVERARCHING RECOMMENDATIONS

FUNDING

It has been made publicly aware that \$19 Billion is needed to achieve the Chesapeake Bay restoration goals. Resources are seriously lacking to meet the water quality goals. The tributary strategies, when completed, need to be used as a tool to lobby additional funds. The tributary strategies will illustrate exactly what needs to be done to restore the Bay by 2010. The funds must be found to implement these necessary actions. Significant efforts to obtain additional funding must start now, and not wait until May 1, 2004.

Presently there is money available in the Farm Bill waiting to be released. The EC members need to pull together as one force in getting this money released. Also, the EC needs to pull resources, gather lobbying staff and invest efforts into getting federal and jurisdictional funding. The gap in financial need places our achievement of the 2010 goals of C2K at risk.

LEADERSHIP

It's important that the legacy of this EC be taking the necessary leadership actions to restore our Chesapeake Bay and its tributaries. The EC needs to embrace a new commitment in taking the necessary leadership action to accelerate the pace for restoring the water quality of the Chesapeake Bay. Water quality improvement is a priority in which the EC must substantially engage. In spite of the diversity among the CAC membership, there is agreement within CAC on the need to do more and to do it quickly. A restored Chesapeake Bay is essential to the maintenance of a high quality of life for all of us. A restored Bay and its tributaries go hand in hand with our economic success and, in cases such as our watermen and our recreational and tourist sectors, to our very economical survival. As the population in the watershed continues to grow, the water quality goals of C2K will grow increasingly more challenging.

The EC must recognize the severe time lapse in several of the C2K commitments, and take actions to make this time up.

CAC would like to propose that the Secretary of Agriculture play a role on either the EC or the Principals' Staff Committee. This would heighten the involvement of the agricultural sector in the Chesapeake Bay restoration effort, and possibly open up new opportunities of partnerships and resources.

CONCLUSION

The Citizens Advisory Committee would like to thank the dedicated staff of the Chesapeake Bay Program for all the hard work that has already been done with the new allocations. The staff have always responded positively to CAC's request for information.

CAC fully supports the EC in moving us forward in meeting our C2K goals, and offers the EC our availability to brief the EC members during the course of the upcoming year on the Chesapeake Bay restoration effort. We look forward to an active and successful 2004.