



COMMONWEALTH of VIRGINIA

Office of the Governor

Doug Domenech
Secretary of Natural Resources

February 17, 2012

Shawn Garvin
Chairman, Principal Staff Committee
Chesapeake Bay Program
Regional Administrator
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

RE: **Inappropriate Action Taken by the Citizens Advisory Committee**

Dear Regional Administrator Garvin,

Shawn

This is to follow-up on our phone conversation on this matter.

On October 18, 2011, the Chair of the Chesapeake Bay Program Citizens Advisory Committee (CAC) took the extraordinary action of writing to the Atlantic States Marine Fisheries Commission (ASMFC) on behalf of the CAC recommending a position on management of the Atlantic menhaden population in advance of a vote on the matter.

The CAC was created by the Chesapeake Executive Council for the purpose of representing "residents and stakeholders of the Chesapeake Bay watershed in the restoration effort." As a creature of the Chesapeake Bay Executive Council, the CAC fulfills its purpose by advising the Executive Council.

It is Virginia's opinion that the CAC does not, or at least should not, have the independent authority as a body to lobby other organizations. Pursuant to its by-laws, the CAC's external communications are intended to provide information only, not advocacy. This situation is further exacerbated by CAC's own website that states, "Advocacy is a major responsibility of the CAC. ... We also work to influence legislators, executives of government agencies and others to act effectively on behalf of the Bay and participate with and contribute to the work of the Chesapeake Bay Program committees and subcommittees."

Specifically, in this case, it appears that the decision to comment to the ASMFC was reached with minimal deliberation or notice, outside of a meeting of the CAC, and apparently without a vote of the CAC.

An email dated 10/7/11 (attached) from an employee of the Chesapeake Bay Foundation (CBF), a non-profit special interest environmental advocacy organization already on record advocating a position on menhaden, and a member of the CAC, informed CAC members that the CAC Executive Committee was recommending that the CAC send a letter to the ASMFC. The email gave the CAC members a week to respond. It is my understanding very few members commented on the proposed action and the recommended letter was sent to the ASMFC on 10/18/11.

The only effort at deliberation and consultation was to include three links in the email; two "for conservation" measures and one "against conservation" measures. The labels alone are telling in-and-of-themselves. Moreover, one of the "for conservation" links was to CBF itself. At the very least it creates the appearance the CAC was being used by a separate organization to advance the position of that organization.

In addition, the email included links to four "recent articles", two of which were advocacy pieces "for conservation" management. One article is written by CBF. Again, this creates at least the appearance of impropriety.

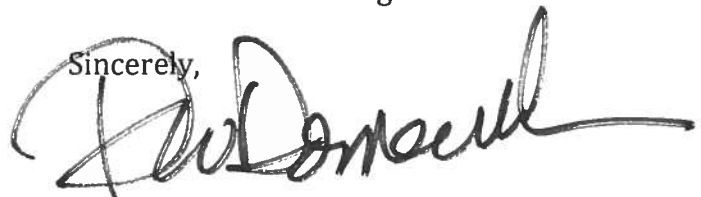
I find the decision making process of the CAC, at least in this instance, to be in adequate, at best.

I do not believe it was the intent of the EPA Chesapeake Bay Program Executive Council to create and fund an independent environmental advocacy group, and it should never be presumed, nor should an appearance be created, that the interests and positions of the CAC are one and the same as those of the CBF.

The CAC provides important advice and input to the EC and supports our efforts to restore the health of the Bay. CAC members should not, however, be able to use the imprimatur of the Bay Program to act as advocates on issues external to decisions about the program.

I welcome the opportunity to discuss this further at the next PSC meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Domenech", with a long horizontal flourish extending to the right.

Doug Domenech
Secretary of Natural Resources

CC: Chesapeake Bay PSC
Nikki Tinsley, Chairwoman, Citizens Advisory Committee

From: cac [<mailto:CAC@LISTSERV.CHESAPEAKEBAY.NET>] **On Behalf Of** Christy Everett
Sent: Friday, October 07, 2011 3:32 PM
To: CAC@LISTSERV.CHESAPEAKEBAY.NET
Subject: menhaden regulations out for public comment - see attached draft CAC comment letter

Dear CAC:

I am sure some of you have heard about the menhaden regulations that are currently being considered.

CAC EC has discussed the issue and recommends sending a letter in support of conservation. Since we have not discussed this as a full committee, here are some resources and a draft letter for your review. Please share any comments you have with the full group by next Friday, 10/15.

For more information on the various opinions on proposed conservation management measures for menhaden, see here:

- **FOR conservation management measures for menhaden:**
 - Attached CBF Menhaden Fact Sheet or go to cbf.org/menhaden
 - Attached Menhaden Matters Fact Sheet or go to SaveMenhaden.org
- **AGAINST conservation management measures for menhaden:**

Below is a link to information that seeks to counter the current conservation management measures for menhaden. A non-profit corporation 501(c)(6) association funded by the fishing industry developed this Saving Seafood website and an affiliated website "Saving Menhaden Fisheries": <http://www.savingseafood.org/saving-menhaden.html>

Some recent articles/writings on the issue: [here](#), [here](#), [here](#) and [here](#)

Thanks,

Christy Everett