

CHESAPEAKE BAY COMMISSION 2018 POLICY FOR THE BAY



A TRI-STATE PARTNERSHIP

MARYLAND



DELEGATE TAWANNA P. GAINES (MD),
CHAIR

PENNSYLVANIA



SENATOR GENE YAW (PA),
VICE-CHAIR

VIRGINIA



DELEGATE DAVID L. BULOVA (VA),
VICE-CHAIR

With a membership composed primarily of legislators from Maryland, Pennsylvania and Virginia, the Chesapeake Bay Commission is a unique bipartisan organization. Its fundamental purpose is to develop legislation and policies that foster the collaborative and practical restoration of the Chesapeake Bay and its watershed.

2019 MEMBERS

- ❖ The Hon. Tawanna P. Gaines, Chair Maryland House of Delegates
- ❖ The Hon. Gene Yaw Senate of Pennsylvania
- ❖ The Hon. David L. Bulova, Vice-Chair Virginia House of Delegates
- The Hon. Richard Alloway (through February 28) Senate of Pennsylvania
- The Hon. Robert S. Bloxom, Jr. Virginia House of Delegates
- The Hon. Sarah K. Elfreth Senate of Maryland
- The Hon. G. Warren Elliott Pennsylvania Citizen Representative
- The Hon. Garth D. Everett Pennsylvania House of Representatives
- The Hon. Keith Gillespie Pennsylvania House of Representatives
- ❖ The Hon. Guy J. Guzzone Senate of Maryland
- The Hon. Jeannie Haddaway-Riccio Secretary of Natural Resources, Maryland
- ❖ The Hon. Emmett W. Hanger, Jr. Senate of Virginia
- The Hon. Stephen W. Lafferty Maryland House of Delegates
- The Hon. Patrick McDonnell Secretary of Environmental Protection, Pennsylvania
- The Hon. Thomas McLain "Mac" Middleton Maryland Citizen Representative
- The Hon. Dana M. Stein Maryland House of Delegates
- The Hon. Matthew J. Strickler Secretary of Natural Resources, Virginia
- ❖ The Hon. P. Michael Sturla Pennsylvania House of Representatives
- The Hon. Dennis H. Treacy Virginia Citizen Representative
- ❖ The Hon. Frank W. Wagner Senate of Virginia
- The Hon. Tony O. Wilt Virginia House of Delegates

- The Hon. Bernie Fowler Member Emeritus
- Rear Admiral Charles W. Rock Naval Liaison

❖ Members of the Executive Committee

THE MISSION

THE CHESAPEAKE BAY COMMISSION IS A TRI-STATE LEGISLATIVE COMMISSION CREATED by law in Maryland, Pennsylvania and Virginia to advise the members of the three general assemblies on matters of watershed-wide concern. The Commission also serves as a liaison to the U.S. Congress on policy and budgetary matters related to the restoration of the Bay and its watershed.

Since its inception in 1980, Commission members have led the legislative adoption of hundreds of laws and policies designed to improve the condition of the Bay watershed. An integral member of the multi-jurisdictional Chesapeake Bay Program partnership, the Commission has been a signatory to every Bay Agreement and provides leadership for many Bay Program initiatives.

Twenty-one members define the Commission's identity, determine its direction and share its workload. Fifteen are state legislators, three are cabinet-level secretaries representing their governors, and three are citizen representatives.

Reflecting its historic bipartisan character, Commission members now include 11 Republicans and 10 Democrats. With varied proficiencies and interests, the Commission's members include a lifelong farmer, an environmental planner, a former VP and Chief Sustainability Officer for a Fortune 500 corporation, a construction firm CEO, a judge and an architect.

The remarkably diverse and balanced membership of the Commission is essential to its effective approaches in addressing the complex issues that face the Chesapeake Bay and its watershed. Members successfully balance the difficult and entangled ecological, social and economic concerns that now challenge the Bay's future. While many other governmental bodies are fracturing along political and ideological grounds, the Commission continues to act in a unified voice for a unified purpose.

The pages that follow provide the highlights of the legislative and policy achievements of the Commission in 2018, reflecting the continued legacy of this unique institution, as one of our Nation's greatest examples of truly informed, collaborative and bipartisan policy work by state legislators.

BY THE NUMBERS

80%

Proportion of the Bay's watershed in the three Chesapeake Bay Commission member states.

90%

Proportion of the nitrogen and phosphorus flowing to the Bay from the three Commission member states.

100%

Proportion of necessary practices that must be implemented by 2025 to meet the Chesapeake Bay Total Maximum Daily Load (TMDL).

A BIPARTISAN APPROACH



BY THE NUMBERS

64,000

Square miles in the Chesapeake Bay watershed, stretching 524 linear miles from Cooperstown, New York, to Virginia Beach.

14:1

Ratio of land to water in the Chesapeake Bay watershed, the largest among all enclosed coastal seas in the world.

120,000

Miles of streams in the Chesapeake Bay watershed. Pennsylvania has the highest density of streams in the nation.

21

The average depth, in feet, of the Bay. Because the Bay is shallow, muddy water and algal blooms can inhibit the oxygen and sunlight that are needed for a healthy Bay.

3,600

Estimated number of species of plants and animals that live in the Chesapeake Bay watershed.

500

Millions of pounds of seafood produced by the Bay each year, contributing \$1.3 billion in sales and 23,000 jobs to Maryland and Virginia.

STRATEGIC PRIORITIES

Looking ahead to 2019 and beyond, the Commission must navigate the growing complexities of achieving pollution reductions in the midst of highly partisan politics, where changes at the federal or state level have the potential to dramatically alter the future health of the Bay and its watershed. The Commission must remain nimble and flexible in its efforts to measurably enhance restoration through sound policy. Always cognizant of the shifting policy, budget and scientific needs surrounding the restoration effort, the Commission nonetheless retains a clear focus on long-term goals.

In 2018, the Commission identified and adopted the following long-term strategic goals to focus its work:

FEDERAL, STATE AND LOCAL BUDGETS

The Bay restoration effort is at a critical juncture, with visible signs of recovery emerging across the watershed. Continued flow of federal and state funding on which the recovery depends is thus essential. The Commission is working across all jurisdictions to ensure full funding for Bay restoration initiatives, including agricultural conservation practices and technical assistance, oyster reef recovery programs, and stormwater retrofits. Budget priorities include:

- Enhance federal funding for the Chesapeake Bay Program partnership.
- Improve support for USDA technical assistance to farmers.
- Expand dedicated funding for infrastructure, non-point source best management practices, and land conservation at both the federal and state levels.

LIVING RESOURCES

The Bay's underwater grasses have rebounded to levels not seen in decades while other living resources, such as shad, remain at historically low levels. The Commission has a long history of driving the resolution of living resource challenges, from fish passage to crab harvests. Moving forward, it will work to:

- Increase investments in oyster reef sanctuary protection and commercial aquaculture.
- Better understand the impact of new pollutants of concern and their impacts on living resources (e.g., endocrine disruptors, opioids).

AGRICULTURE

Throughout the Bay Program's history, the Commission has played a leadership role in developing policies and securing funding to reduce pollution from agriculture. Commission initiatives range from the implementation of cost-effective conservation practices to the development of Farm Bill agricultural stewardship and technical assistance programs and funding. Priorities for the Commission include:

- Work to reduce obstacles to increasing and improving technical assistance.
- Address jurisdictional differences in efforts to reduce or eliminate livestock access to waterways.
- Work to identify alternative uses for manure.
- Ensure implementation of the new Farm Bill in a manner that strongly supports Bay restoration.

STORMWATER

The Bay region's population is projected to grow to 20 million by 2030. Stormwater from developed land is the only consistently increasing source of pollution to the Bay. Reducing these loads will require enactment of strong standards for new development and approval of expensive retrofits for existing development. In addressing these challenges, the Commission will:

- Seek to remove existing hurdles to the adoption of innovative stormwater pollution management practices.
- Advocate to provide local governments with full authority to manage and fund stormwater control.
- Partner with government and the private sector to explore innovative stormwater financing models.
- Promote transparency and accountability in the use of stormwater funding.

BY THE NUMBERS

1.54

Billion dollars budgeted for Chesapeake Bay restoration in FY2018; \$926 million from the six states and District of Columbia; \$617 million federally.

23

Percent of the Chesapeake Bay watershed used for agriculture, second only to forest at 58%. Agriculture contributes 42% of the Bay's nitrogen load.

1,800

Units of local government in the Bay watershed. Stormwater and wastewater from municipalities contribute 30% of the Bay's nitrogen load.

NATIONAL AND INTERNATIONAL REACH

As the only representative of the legislative branch in the Chesapeake Bay Program partnership, the Commission has historically led Congressional outreach on behalf of the Program. In 2018, the Commission took an extraordinary step in filling this role by engaging a bipartisan governmental affairs consulting firm, Crossroads Strategies. Three factors drove the Commission's decision to hire on-the-ground eyes and ears in Congress:

1. Concerns over proposed dramatic cuts to federal funding for Chesapeake Bay restoration efforts.
2. The drafting of a new five-year Farm Bill.
3. The need and opportunity to build relationships with new members of the Bay Congressional delegation.

To help educate Congressional offices and partners on the concerns over the proposed budget reductions, the Commission published a detailed budget analysis and distributed it widely. Continued outreach helped restore and protect the funding of many critical programs, including the nucleus of the restoration efforts — EPA's Chesapeake Bay Program.

In March, the Commission released a set of eight priorities for the new Farm Bill, encompassing both policy and funding recommendations, based on consultation with Bay-state departments of agriculture and other key stakeholders. Several members of Congress, including Senators Chris Van Hollen (MD) and Bob Casey (PA), championed these priorities, which Congress ultimately included in the final Farm Bill thanks to the shepherding of Conference Committee Member Congressman Glenn ("GT") Thompson (PA). Overall, the new Farm Bill, passed in December, significantly improved the Chesapeake region's funding opportunities. Three very popular programs, the Regional Conservation Partnership Program (RCPP), Environmental Quality Incentives Program (EQIP) and Conservation Reserve Enhancement Program (CREP) all received increased funding or authorizations with the

RCPP featuring a block-grant opportunity for states and other partners to address local needs more effectively.

Another significant piece of federal legislation was the two-year reauthorization of the Water Resources Development Act. In addition to funding water-related activities of the Army Corps of Engineers, the latest version created a stormwater infrastructure financing task force within EPA. The Commission is seeking an appointment to this task force.

INTERNATIONAL EXPOSURE

The Commission's successes with the Chesapeake Bay restoration effort have garnered worldwide attention as governments across the globe struggle with similar challenges in restoring and protecting water quality and natural resources. At their expense, international organizations have invited Commission members and staff to share their expertise at conferences, summits, and other forums.

In 2018, Commission Executive Director Ann Swanson served as part of a United States delegation to China. The delegation consulted with national and provincial Chinese government officials working to resolve China's environmental challenges, in particular those of the Jiangsu Province and the watershed municipalities surrounding Lake Taihu, one of China's largest and most polluted water bodies. The delegation included experts on water pollution and algae, governmental collaboration and policy, and environmental finance and markets.

On behalf of the Commission, the Executive Director also delivered the opening address at the Global Estuaries Forum in LeHavre, France. This forum was focused on rethinking the sustainability of our ports, almost all of which are located in estuarine systems. The forum's audience learned about not only the collaborative work of the Bay restoration efforts, but also the region's recognition that environmental quality and economic stability are synergistic elements of a sustainable future.

49

Members of Congress representing the Chesapeake Bay watershed; 12 U.S. Senators and 37 U.S. Representatives.

1

Rank of Chesapeake Bay's size among more than 100 estuaries in the United States. Globally, the Chesapeake Bay comes in second.

COMMISSIONERS AT WORK



A VETERAN AND BUSINESSMAN, VA SEN. FRANK WAGNER LED DEVELOPMENT OF THE COMMISSION'S STRATEGIC PRIORITIES AS 2018 CHAIR.



MD SEN. MAC MIDDLETON, VA DEL. TONY WILT AND PA REP. MIKE STURLA LISTEN TO DEBATE OVER EXELON'S CONOWINGO DAM STATE WATER QUALITY CERTIFICATION.



MD SEN. MAC MIDDLETON AND DEL. DANA STEIN LISTEN TO PA SEN. GENE YAW SHARE THE CHALLENGES OF CONNECTING 'NORTHERN TIER' PENNSYLVANIANS TO THE BAY.

MARYLAND

The year 2018 saw a shift in focus for Maryland. Upon reaching its 2017 "Mid-Point Assessment" reduction goals for phosphorus and sediment, and by coming very close to its goal for nitrogen, Maryland shifted its priority focus to non-point pollution sources and the reductions needed from them to achieve the final 2025 reduction goals.

The Maryland delegation was fully engaged in this transition through meetings with key agency representatives and the Governor's Bay Cabinet as Maryland worked toward producing a "Phase III Watershed Implementation Plan" that focused on nonpoint pollution sources. Similarly, on the legislative front, delegation members who serve on appropriations committees helped shepherd state funding for key Bay programs such as the 2010 Trust Fund and Program Open Space. Commission members also led the effort to enact budget bill language to provide continued funding for the "NextGen" program. The "NextGen" program provides low-interest loans to new farmers who commit to permanently protect their land, helping to achieve both the water quality and conservation goals of the Chesapeake Bay Program partnership.

Consistent with its nonpoint pollution focus, the Commission also revisited Maryland's fertilizer use law. With new science indicating possible modifications could benefit both the Bay and the lawn care industry, Commission members led the efforts to introduce and pass legislation to do just that. The Commission also engaged on two controversial issues — forest conservation and polystyrene containers — neither of which garnered sufficient support to achieve legislative approval.

As we enter 2019, Senator Sarah Elfreth and Delegates Dana Stein and Stephen Lafferty will join the Commission, while former Senator Mac Middleton transitions to Citizen Representative. Bernie Fowler assumes Member Emeritus status, having served on the Commission for an extraordinary 34 years.

BY THE NUMBERS

90

Number of days in Maryland's legislative session.

890

Bills passed in Maryland's 2018 Session, 28% of the 3,127 introduced.

PENNSYLVANIA

As a two-year legislative session drew to a close, the Pennsylvania delegation saw progress on two key bills to enhance watershed restoration.

The first would establish a competitive bidding process for achieving pollution reductions along with a new fund to finance the program. In spite of the absence of identified funding support, the bill passed the Senate with Commission members providing leadership. In the House, the Environmental Resources and Energy Committee held an informational meeting on the bill during which the Commission encouraged the identification of a source of revenue and action on the legislation.

The second bill would provide verifiable nutrient reductions by restricting the nutrient content of do-it-yourself fertilizers and requiring training of professional fertilizer applicators. It also passed the Senate but remained in committee in the House. In testimony, the Commission highlighted the bill's broad stakeholder support, arguing for its potential to cost-effectively reduce stormwater pollution, and noting its role in helping establish equity for urban and agricultural nutrient management.

The Commission anticipates the re-introduction of both bills in the 2019-2020 Session, including a funding option for the competitive bidding program. Water quality funding also captured legislative attention with discussions focused on a fee on large water users with the revenue supporting water quality improvement initiatives. The Commission played a major role in this discussion, prompting the Legislative Budget and Finance Committee to release a report describing this potential revenue initiative.

Commission members also sponsored legislation to establish a voluntary \$3 checkoff on vehicle registrations to support tree plantings, sponsored resolutions designating June 3-9 as Chesapeake Bay Awareness Week, and hosted its second annual Crab Feast for Pennsylvania legislative colleagues, focusing attention on water quality.

2

Length in years of each Pennsylvania legislative session.

246

Bills enacted in the 2017-2018 Pennsylvania legislative session, 6% of the 4,021 introduced.

VIRGINIA

Virginia continued its targeted work to reduce pollution in 2018. As it looked toward its 2025 Bay goals, the Commission's former Virginia Director, Ann Jennings, now Deputy Secretary of Natural Resources for the Chesapeake Bay, led an outreach initiative designed to establish focused and sustained local engagement. Commission staff participated in many of these outreach efforts.

On the policy front, after the release of the Commission's *Boots on the Ground* report on farmer technical assistance, members worked to provide sustainable and sufficient funding for Virginia's agricultural cost-share programs. Their efforts yielded an infusion of \$35 million in the state budget and a legislative report calling for the expansion of cost-share in the coming years.

The Virginia members worked to increase funding for Virginia's urban communities, tackling the issue of stormwater pollution. Members secured \$20 million for Virginia's Stormwater Local Assistance Fund and held off efforts to weaken the existing stormwater regulatory structure. They also successfully sponsored budget amendments for increasing oyster restoration opportunities.

During Chesapeake Bay Awareness Week, the Commission sponsored two large events. The first, held in the western part of the Bay watershed on a farm in Weyers Cave, demonstrated the successes of a farmer and conservation experts working together for a healthy Middle River. Hundreds of hardwood trees now line the banks of the river which, as a result, is no longer on the state's impaired waters list. The second event, held on Brown's Island in the heart of the state capital, brought together numerous environmental organizations to spread the word about restoring the Bay.

The Virginia delegation welcomed two new legislative members, Delegates Tony Wilt and Rob Baxom. Both have become active participants in the Commission's work.

60

Number of days in Virginia's 2018 legislative session (45 days in odd-number years).

919

Number of bills passed in Virginia's 2018 legislative session, 33% of the 2,778 introduced.

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