

CHESAPEAKE BAY COMMISSION 2014 POLICY FOR THE BAY



WHO WE ARE

VIRGINIA



DELEGATE SCOTT
LINGAMFELTER
Chairman

PENNSYLVANIA



REPRESENTATIVE
GARTH EVERETT
Vice-Chair

MARYLAND



DELEGATE MAGGIE
MCINTOSH
Vice-Chair

2015 MEMBERS

- 1 The Hon. L. Scott Lingamfelter, Chairman ♦ Virginia House of Delegates
- 2 The Hon. Garth D. Everett, Vice-Chair ♦ Pennsylvania House of Representatives
- 3 The Hon. Maggie McIntosh, Vice-Chair ♦ Maryland House of Delegates
- 4 The Hon. Richard L. Alloway II Senate of Pennsylvania
- 5 The Hon. Mark J. Belton Secretary of Natural Resources, Maryland
- 6 The Hon. David L. Bulova Virginia House of Delegates
- 7 The Hon. G. Warren Elliott Pennsylvania Citizen Representative
- 8 The Hon. Bernie Fowler Maryland Citizen Representative
- 9 The Hon. Barbara A. Frush Maryland House of Delegates
- 10 The Hon. Tawanna P. Gaines Maryland House of Delegates
- 11 The Hon. Keith Gillespie Pennsylvania House of Representatives
- 12 The Hon. Emmett W. Hanger, Jr. Senate of Virginia
- 13 The Hon. Nancy J. King ♦ Maryland State Senate
- 14 The Hon. Thomas McLain "Mac" Middleton Maryland State Senate
- 15 The Hon. John H. Quigley Secretary of Environmental Protection, Pennsylvania
- 16 The Hon. Margaret B. Ransone Virginia House of Delegates
- 17 The Hon. John J. Reynolds Virginia Citizen Representative
- 18 The Hon. P. Michael Sturla ♦ Pennsylvania House of Representatives
- 19 The Hon. Frank W. Wagner ♦ Senate of Virginia
- 20 The Hon. Molly Ward Secretary of Natural Resources, Virginia
- 21 The Hon. Gene Yaw Senate of Pennsylvania
- 22 Rear Admiral Rick Williamson Naval Liaison

2014 RETIRED MEMBERS

- 23 The Hon. Ronald E. Miller, 2014 Chairman. Pennsylvania House of Representatives
- 24 The Hon. Michael W. Brubaker Senate of Pennsylvania
- 25 The Hon. Brian E. Frosh Maryland State Senate
- 26 The Hon. Michael L. Waugh Senate of Pennsylvania
- 27 The Hon. James W. Hubbard Maryland House of Delegates
- 28 The Hon. Lynwood W. Lewis, Jr. Virginia House of Delegates
- 29 The Hon. John F. Wood, Jr. Maryland House of Delegates
- 30 The Hon. E. Christopher Abruzzo Secretary of Environmental Protection, Pennsylvania
- 31 The Hon. Joseph P. Gill Secretary of Natural Resources, Maryland
- 32 Rear Admiral Dixon R. Smith Naval Liaison (January through September)

♦ Members of the Executive Committee

Each numbered symbol refers to the member's location on the map at right.



WHERE WE ARE FROM

A BROAD PERSPECTIVE

In the course of the Chesapeake Bay Commission's 35-year history, 108 individuals have contributed a combined 721 years of service to the Commission. This map shows the towns and cities represented by each of the Commission's current and former members (multiple cabinet secretaries are represented by one symbol at each state capital).

LEGEND

- ★ 2015 Current Members
- 2014 Retired Members
- Past Members



HOW WE WORK

THE CHESAPEAKE BAY COMMISSION IS A TRI-STATE LEGISLATIVE commission created in the 1980s to advise the General Assemblies of Maryland, Pennsylvania and Virginia on matters of Bay-wide concern. The Commission's mandate is to address a broad range of issues, taking into account the pollution sources, land uses, living resources and human impacts that threaten the health of the Bay and its watershed.

Strategically, the Commission focuses on the activities and actions of the General Assemblies of the three core Bay states of Maryland, Pennsylvania and Virginia. This targeting of effort reflects the reality that these three states constitute over 80 percent of the land area of the watershed and contribute nearly 90 percent of the nitrogen and phosphorus pollutant loads. Commission members, with the assistance of full-time staff in each state, craft, coordinate and secure passage of laws and policies within and across the states, setting the bar for legislative leadership in the watershed and balancing the complex ecological, social and economic concerns that face the Bay in the future. By law, the Commission also serves as a liaison to the U.S. Congress.

Twenty-one members (seven from each member state) 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. The full range of urban, suburban and rural life enjoyed in the watershed is represented on the bipartisan Commission, with each member contributing his or her unique perspective, knowledge and expertise.



WHAT WE DO



MARYLAND DEL. MAGGIE MCINTOSH
WITH HARRIS CREEK SANCTUARY OYSTERS



VIRGINIA DEL. DAVID BULOVA ATTENDS CBC'S LIVESTOCK STREAM EXCLUSION FIELD DAY

LEARNING

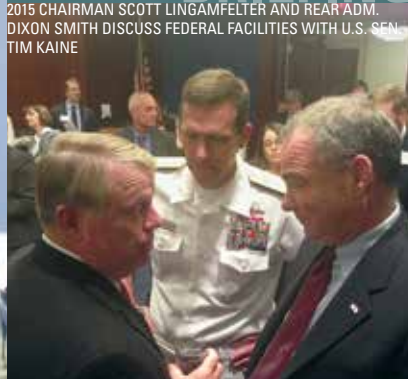
MARYLAND DEL. JOHN WOOD, JR., AND PENNSYLVANIA SEN. RICH ALLOWAY LEARN
ABOUT THE MAIN BAY INDICATORS — OYSTERS, CRABS AND SEAGRASSES



2014 COMMISSION CHAIRMAN RON MILLER

BRIEFING

2015 CHAIRMAN SCOTT LINGAMFELTER AND REAR ADM.
DIXON SMITH DISCUSS FEDERAL FACILITIES WITH U.S. SEN.
TIM KAINE



PARTNERING

SIGNING THE 2014 CHESAPEAKE BAY AGREEMENT



CBC MEMBERS INVESTIGATE SAFEGUARDS AND IMPACTS OF HYDRAULIC SHALE GAS FRACKING



EXECUTIVE DIRECTOR ANN SWANSON NAMED ADMIRAL OF
THE CHESAPEAKE BY MARYLAND GOV. MARTIN O'MALLEY

LEGISLATING

PENNSYLVANIA SEN. RICH ALLOWAY AND CITIZEN REP.
WARREN ELLIOTT CHAMPION FISH AND ACCESS ISSUES



OUR WORK IN 2014

LEARNING

A S ADVISORS TO THE STATE GENERAL ASSEMBLIES and the U.S. Congress, members and staff devote considerable time to evaluating the findings of scientists and the views of policy leaders. In 2014, topics examined ranged from crab and oyster sustainability to shale gas processes and impacts to upgrades at the largest of the region's wastewater treatment plants.

When synthesized information is not available or it appears that a more in-depth investigation is needed, the Commission undertakes its own analysis. For example, in 2014 the Commission launched a study of livestock stream exclusion to determine how best to expand and promote the practice. Using legal research coupled with practice information provided by the state and Federal Departments of Agriculture, the Commission is now working on a publication to showcase the environmental and human health benefits of keeping livestock out of streams. The report will also offer recommendations to expand the use of this practice in each member state.

PENNSYLVANIA REP. MIKE STURLA, VIRGINIA DEL. DAVID BULOVA AND MARYLAND CITIZEN REP. BERNIE FOWLER LEARN ABOUT OYSTER CONSERVATION



BRIEFING

T HE COMMISSION ENJOYS A REPUTATION FOR strategic leadership and thoughtful and balanced policy analysis. Members and staff are often asked to share their expertise with lawmakers, regulators and the public as new Bay-related policies are considered. Developing actionable policy recommendations forms the core of the Commission's work.

In keeping with this reputation, in 2014 the Commission provided nearly one hundred briefings to local, state, national and international policy makers and other audiences. In May, for example, the Commission offered a briefing to dozens of members and staff of the U.S. Congress, focusing on the most pressing Federal actions needed to support the Bay restoration effort. In support, the Commission released its publication, "10 Things Members of Congress Can Do to Advance Chesapeake Watershed Restoration." The briefing and publication served as the foundation for the Commission's testimony before the Subcommittee on Water and Wildlife of the U.S. Senate Committee on Environment and Public Works later in the year.

The Commission frequently hosts meetings that are multi-jurisdictional in nature. In 2014, in an effort to secure significant federal funding for land conservation, the Commission convened a meeting including state cabinet-level secretaries from three states to meet with top-level decision-makers of two Federal agencies. As a result, nearly \$38 million could flow into the watershed for land protection efforts in 2015–2018, under a budget proposed by President Obama. These funds will complement state and private land conservation efforts already under way and significantly enhance the level of Federal investment in Bay conservation.



MARYLAND GOV. MARTIN O'MALLEY GIVES HIS STATE OF THE BAY REPORT TO THE CBC

OUR WORK IN 2014

PARTNERING

A S A LEADER IN THE CHESAPEAKE BAY PROGRAM

Partnership, the Commission works with dozens of governmental, non-governmental and business stakeholders to develop and promote the scientific and policy work needed to achieve our goals for a healthy Bay.

In 2014 much of this work centered on agriculture. With a focus on developing environmentally sound and economically viable alternative uses of manure, staff served as members of the Maryland Animal Waste Technology Fund Advisory Committee and the regional Farm Manure-to-Energy Initiative. Staff also worked with the Maryland Energy Administration to facilitate deployment of a 10-megawatt manure-to-energy facility on the Eastern Shore.

A new federal Farm Bill in 2014 created the Regional Conservation Partnership Program (RCPP), a competitive fund for agricultural water quality and quantity projects across the country. The Commission partnered with USDA to sponsor an informational forum for 60 parties interested in how to compete for the available funding. For fiscal year 2015, the Bay region successfully attracted \$31 million in funding for agricultural conservation projects.



USDA'S JASON WELLER, VIRGINIA DIRECTOR JACK FRYE, CHESAPEAKE BAY FOUNDATION'S ANN JENNINGS AND FARM OWNER JANET HARRIS DISCUSS BEST MANAGEMENT PRACTICES

LEGISLATING

THE PRIMARY PURPOSE OF THE COMMISSION IS TO

sponsor and promote legislation related to Chesapeake Bay in the three member state General Assemblies. Because resources and political realities vary across the region, the Commission seeks complementary initiatives rather than a one-size-fits-all approach.

With agriculture still the single largest source of pollution to the Bay, and stormwater the only growing source, much of the Commission's work in 2014 focused on policies that will help these two sectors meet their targets for nutrient and sediment reduction.

The Pennsylvania Delegation continued to pursue legislation that would reduce pollution in urban stormwater by restricting the amount of nitrogen and phosphorus applied to residential and commercial lawns. In Maryland, Commission members shepherded implementation of the Stormwater Remediation Fee, providing a new stable source of revenue for local stormwater management.

For agriculture, Virginia members helped secure an additional \$18 million in funding for best management practices (BMPs) and Commission member Senator Emmett Hanger and Governor Terry McAuliffe championed the launch of the Commonwealth's Resource Management Plan (RMP) program, which will incentivize farm owners or operators to use BMPs that reduce pollution and improve the farm's bottom line.

Similarly, Maryland members and staff provided considerable guidance in the development of Agricultural Certainty regulations, modeled after the Virginia RMPs. The Maryland Delegation also advised the administration on the deployment of the state's new Phosphorus Management Tool. This innovation reflects more than ten years of research by regional and national experts and, once deployed, will help farmers to more accurately identify fields with a high risk of phosphorus loss.

SEN. THOMAS McCLAIN "MAC" MIDDLETON, FLANKED BY MARYLAND CABINET SECRETARIES, EXPLAINS HIS 2013 AGRICULTURAL CERTAINTY BILL



A NEW STRATEGY FOR BAY RESTORATION

2014 CHESAPEAKE BAY AGREEMENT

THE CHESAPEAKE BAY PROGRAM IS THE CENTRAL choreographer of the massive restoration of the Chesapeake Bay. The Bay Program is governed by a series of Chesapeake Bay Agreements that establish the rules of engagement and priorities for Bay restoration work. The Chesapeake Bay Commission has been a co-author and signatory to every Bay Agreement since the first in 1983, and serves as an active partner in the Program and member of its leadership team.

Each successive agreement, the fourth of which was executed in 2014, has been a reflection of how science and policy evolve over time. The first Agreement was a simple call to work together toward a common goal, while the Chesapeake 2000 Agreement was a detailed list of commitments necessary to achieve a healthy Bay by 2010. In the years that followed, the Bay Program was faced with both changing economics and political realities that forced the partners to take a more targeted approach to their work.

Despite the optimism and concerted efforts since the 2000 Agreement, by 2010 the Bay remained “impaired” under the federal Clean Water Act. EPA acted to improve the Bay’s water quality by establishing a Total Maximum Daily Load (TMDL) that added both specificity and a regulatory urgency to nutrient and sediment reductions across the entire Bay watershed. Additionally, President Obama signed Executive Order 13508, beginning a new era of enhanced federal agency commitment to Bay restoration.

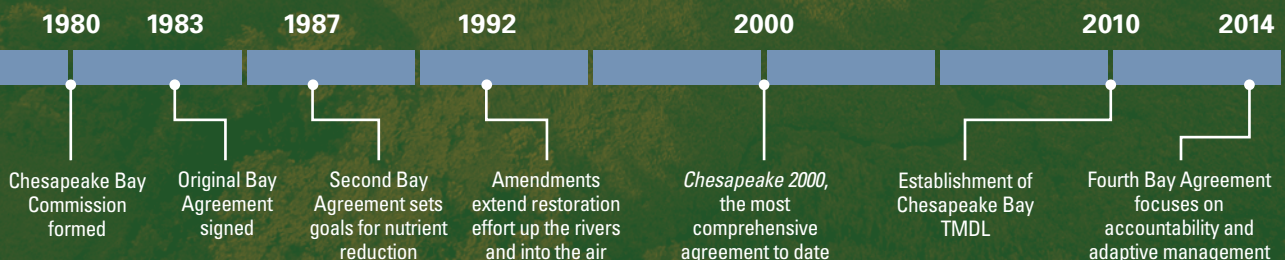
After a year of deliberations including the strong involvement of Commission members and staff, a new Bay

Watershed Agreement was signed in 2014. This Agreement, focused on accountability and adaptive management, requires the development of a “Management Strategy” for each Agreement outcome. The purpose of the strategies is to identify specific actions and partners needed to secure each outcome.

As the representative of the legislative branch in the Bay Program, the Commission carefully considered its unique role in the implementation of the Agreement. Commission members have committed to work with the General Assemblies and the U.S. Congress to support legislative and budget initiatives needed to advance the goals and outcomes of the Agreement.



TIMELINE: A CHRONOLOGY OF THE BAY AGREEMENTS



A PERSISTENT CHALLENGE

PHOSPHORUS LOADINGS TO THE BAY

SINCE 1985, THROUGH A SERIES OF REGULATORY, legislative and voluntary actions, the Bay states have successfully reduced annual phosphorus loads to the Bay by eight million pounds. This reduction has been largely driven by actions such as wastewater treatment plant upgrades, phosphorus detergent bans, sediment and erosion control and the use of phytase in chicken feed.

Despite this progress, U.S. Geological Survey (USGS) data show the downward trend has now halted. Nearly 80 percent of the USGS monitoring sites show either no change or an increase in phosphorus pollution levels over the past decade. Scientific studies have pinpointed two components of the increase in phosphorus loading to the Bay: more urban stormwater and more phosphorus-saturated soils in farming regions. In effect, the impact of growth in human and livestock populations has eclipsed past progress.

Recognizing this alarming fact, in 2014 the Commission chose to strategically focus on efforts to further reduce phosphorus pollution in all three of its member states:

■ **LIVESTOCK EXCLUSION** In Virginia, Commission members championed efforts to exclude livestock from streams. To support Virginia's Watershed Implementation Plan (WIP), a state-wide plan carried out as part of the state's TMDL with the ultimate goal of delisting the Bay from the Federal "Impaired Waters" list, Virginia set a goal of 95 percent exclusion for all streams. To achieve this goal, the state, with full Commission member support, offered 100 percent funding for farmers signing up for stream exclusion practices before July 2015. The program was quickly oversubscribed. Members of the Virginia Delegation

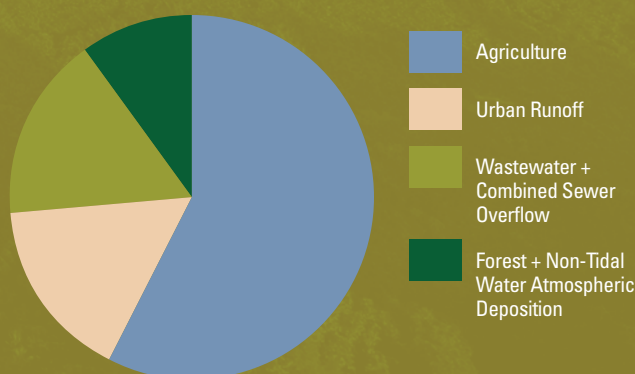
of the Commission are currently examining strategies to fully fund the program and reach even more farmers. The Commission is also looking at opportunities to build upon Virginia's experience to promote stream exclusion in Maryland and Pennsylvania.

■ **PHOSPHORUS MANAGEMENT TOOL** One of the greatest opportunities to reduce the phosphorus load in Maryland is through the adoption of the Phosphorus Management Tool (PMT), an updated version of the existing Phosphorus Site Index that is designed to guide farmers to the safe use of manure as fertilizer on agricultural fields. It also guides the use of sewage sludge (also high in phosphorus) and commercial fertilizers in general. Based on sound science, the PMT helps farmers more accurately identify where their fields have a high risk that phosphorus application will pollute nearby surface waters. Commission members and staff have been working on policies to ease implementation including tax incentives to assist farmers in the transition to full PMT use.

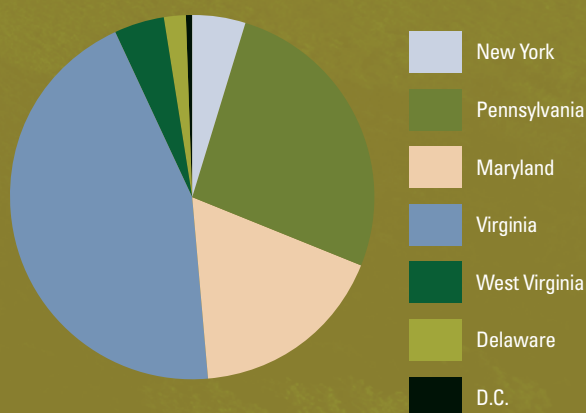
■ **LAWN FERTILIZERS** Pennsylvania Commission members continue to lead efforts to enact a ban on phosphorus in lawn maintenance fertilizers in Pennsylvania, following success with similar laws in Maryland and Virginia. Scientific studies have proven that while phosphorus is needed to support root growth in newly seeded lawns, it is not needed for lawns that are established.

Other state and Bay-wide initiatives by the Commission to address the growth of phosphorus in the Bay include work on manure-to-energy opportunities for local municipalities and farmers, improvements to urban stormwater management programs, and increased funding for pollution reduction (including the Federal Farm Bill).

2013 PHOSPHORUS LOADS BY SOURCE



2013 PHOSPHORUS LOADS BY JURISDICTION



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Chesapeake Bay Commission
Policy for the Bay