



# A BROAD PERSPECTIVE

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Commission members work to address environmental challenges across the watershed, relying on science and monitoring data to overcome differences of party, background and culture. As the only signatory of all four Chesapeake Bay Agreements to represent the legislative branch of government, the Commission has a unique policy and budget role.

## 2018 MEMBERS

- ❖ The Hon. Frank W. Wagner, Chair .....Senate of Virginia
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- ❖ The Hon. Richard L. Alloway II, Vice-Chair ..... Senate of Pennsylvania

- The Hon. Mark J. Belton .....Secretary of Natural Resources, Maryland
- ❖ The Hon. David L. Bulova ..... Virginia House of Delegates
- The Hon. G. Warren Elliott ..... Pennsylvania Citizen Representative
- ❖ The Hon. Garth D. Everett..... Pennsylvania House of Representatives
- The Hon. Bernie Fowler .....Maryland Citizen Representative
- The Hon. Barbara A. Frush. ....Maryland House of Delegates
- The Hon. Keith Gillespie ..... Pennsylvania House of Representatives
- ❖ The Hon. Guy J. Guzzone.....Senate of Maryland
- The Hon. Emmett W. Hanger, Jr. ....Senate of Virginia
- The Hon.Scott Lingamfelter (through January 2018) ..... Virginia House of Delegates
- The Hon. Patrick McDonnell .....Secretary of Environmental Protection, Pennsylvania
- The Hon. Maggie McIntosh .....Maryland House of Delegates
- The Hon. Thomas McLain “Mac” Middleton .....Senate of Maryland
- The Hon. Margaret B. Ransone (through January 2018). .... Virginia House of Delegates
- The Hon. Matthew 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. Gene Yaw..... Senate of Pennsylvania

Rear Admiral John C. Scorby, Jr. .... Naval Liaison

- ❖ Members of the Executive Committee



# SHIFTING TIDES

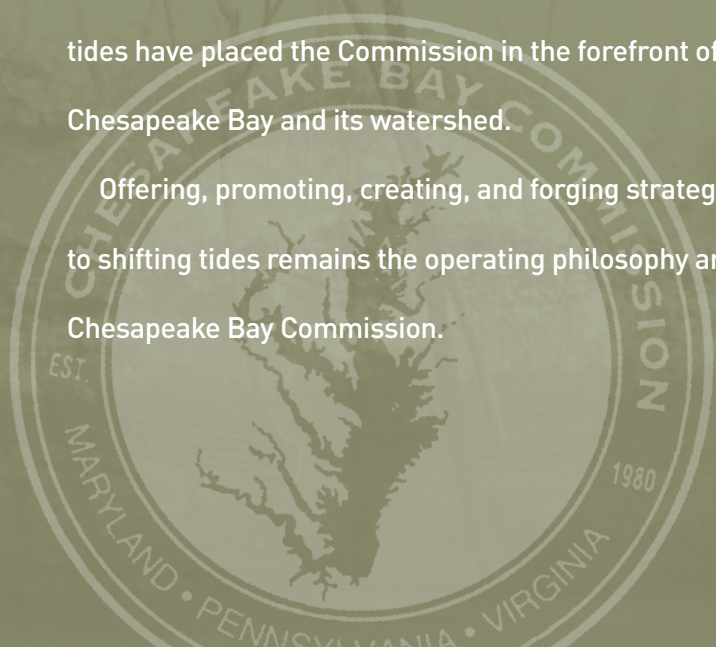
COMPOSED OF LEGISLATORS FROM THE GENERAL ASSEMBLIES OF Pennsylvania, Maryland, and Virginia, the Chesapeake Bay Commission is an interstate legislative organization dedicated to the development of collaborative and practical policies for restoring the Chesapeake Bay.

The Commission dates back to 1980, prior to the signing of the first Chesapeake Bay Agreement (1983), prior to the development of Chesapeake Bay water quality criteria by the Environmental Protection Agency (2003), and prior to the adoption of the Chesapeake Bay Total Maximum Daily Load (2010).

Reflecting the truly bi-partisan character of the Commission, its 2017 membership included eight Republican and seven Democratic legislators. The experiential backgrounds among the members included a lifelong farmer, an environmental planner, a former Vice President and Chief Sustainability Officer for a Fortune 250 corporation, a former judge, a CEO of a construction and contracting firm, an owner of a multi-generational family-run oyster company, an architect, and a retired admiral.

From its origins in 1980 to its actions during 2017, the Commission has consistently responded to the challenges of changing conditions — new science, changing politics, and economic cycles. Strategic responses to these shifting tides have placed the Commission in the forefront of the restoration of the Chesapeake Bay and its watershed.

Offering, promoting, creating, and forging strategic solutions while adjusting to shifting tides remains the operating philosophy and core purpose of the Chesapeake Bay Commission.



# THE COMMISSION IN ACTION 2017



JEN DONNELLY

COMMISSION MEMBERS TAKE TO THE WATER TO BETTER UNDERSTAND THE IMPLICATIONS OF STREAMBANK SEDIMENT LOADS.



ANN SWANSON

PAST COMMISSION CHAIR TAYLOE M. GARTH EVERETT ENJOY TIME TOGETHER.



DAVE HARR

PA. REP. GILLESPIE, VA. DEL. BULLOCK, CONSIDER OPTIONS TO ADDRESS CO.



ANN SWANSON

PENNSYLVANIA MEMBERS HOST LEGISLATORS FOR AN EVENING OF DELICIOUS BAY BLUE CRABS, WITH TIME TO TALK ABOUT FINDING FUNDING SOLUTIONS.



DEPT. OF ENVIRONMENTAL ADMINISTRATION SCOTT PRUITT

PA. REP. EVERETT, MD. DEL. GAINES, VA. DEL. LINGAMFELTER AND EXEC. DIR. SWANSON MEET WITH EPA ADMIN. SCOTT PRUITT TO EMPHASIZE IMPORTANCE OF EPA MAINTAINING STRONG SUPPORT OF THE TMDL.



MPT

EXEC. DIR. ANN SWANSON APPEARS ON MARYLAND PUBLIC TELEVISION'S "CHESAPEAKE BAY SUMMIT."





MURPHY (VA.) AND 2017 CHAIR PA. REP. HER ON THE POTOMAC RIVER.



A, AND MD. SEN. MIDDLETON NOWINGO DAM POLLUTION.



U.S. HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE CHAIRMAN REP. BILL SHUSTER MEETS WITH COMMISSION LEADERSHIP TO DISCUSS FUNDING FOR WATER QUALITY INFRASTRUCTURE.

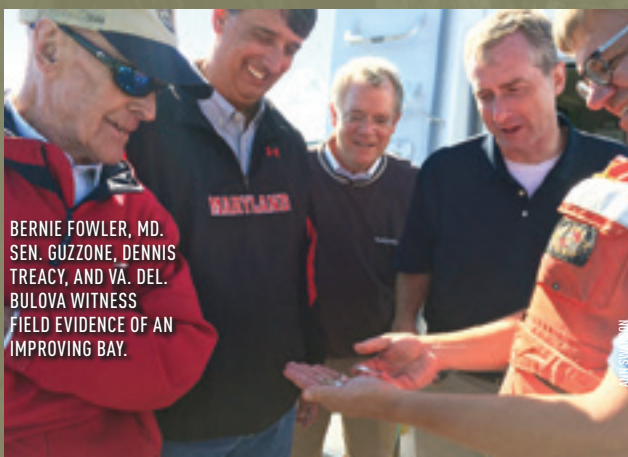
OFFICE OF U.S. REP. BILL SHUSTER



VIRGINIA MEMBERS HELP RAISE BAY AWARENESS AT THE FIRST-EVER "BACK TO THE BAY" DAY.



VA. SEN. EMMETT HANGER HEARS FIRSTHAND THE CRITICAL ROLE AND DEMAND FOR AGRICULTURAL TECHNICAL ASSISTANCE.



BERNIE FOWLER, MD. SEN. GUZZONE, DENNIS TREACY, AND VA. DEL. BULOVA WITNESS FIELD EVIDENCE OF AN IMPROVING BAY.



# THE FEDERAL ROLE

## THE SHIFT

The year 2017 began with a shift in philosophy and policy at the federal level. With the beginning of the Trump administration, the Commission had a new set of leaders — most with faces unfamiliar to the Commission — with whom to build relationships and share its expertise and knowledge.

Among the new faces was that of EPA Administrator Scott Pruitt. A former Attorney General for the state of Oklahoma, Administrator Pruitt had been a signatory to a legal challenge to the Chesapeake Bay Total Maximum Daily Load (TMDL). At his U.S. Senate confirmation hearing in January, however, Administrator Pruitt committed to implementation of the TMDL and expressed his support for the Chesapeake Bay restoration and the Chesapeake Bay Program Partnership.

This expression of support from the administration contrasted with the subsequent release of the administration's "Budget Blueprint" two months later. The proposed budget included substantial reductions to Bay-related programs, including the elimination of the full \$73 million for EPA funding of the multi-jurisdictional Chesapeake Bay Program Partnership. This EPA funding provides innumerable grants to states, local governments, community groups, academia, and nonprofit organizations working on Chesapeake Bay restoration.

Opposition to the proposed reductions was swift and substantial. Responding to the outcry, members of Congress sought to restore the EPA funding. And in November, the Senate Appropriations Subcommittee on Interior, Environment and Related Agencies voted to reinstate the \$73 million for the Bay Program Partnership in the fiscal year 2018 federal budget.

## THE STRATEGIC RESPONSE

As it has in the past when the tides shift in executive or legislative leadership, the Commission immediately sought opportunities to educate its new partners on the role of the Commission and its work in the Bay restoration program. At its January 2017 meeting, the Commission began the development of a transition document which the Commission shared with EPA Administrator Pruitt and others in the new administration in March.

Citing the "unique structure, history, and make-up" of the Commission, the report, titled "Continuing and Advancing the Restoration of the Chesapeake Bay," highlighted the role of the Bay as a driver of the regional economy; the cooperative federalism character of the Bay Program Partnership; and the important contributions of EPA's scientific and technical expertise in the restoration efforts.

The publication of the report led to a meeting between the Commission's leadership and Administrator Pruitt in early August. In the meeting, the Administrator described the Commission as a model of bipartisan success and acknowledged the important role of federal agencies in Bay restoration.

In response to the proposed budget reductions, the Commission developed a strategic document titled "What the Congress Must Do to Address the President's FY 2018 Budget Shortfalls." Widely shared with the Bay's Congressional delegations, the budget shortfall report also provided substance for a Commission-led briefing on Capitol Hill in late-June with Congressional members and their staff to consider strategies for closing the funding shortfalls the Commission identified.

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[WWW.CHBAY.US](http://WWW.CHBAY.US)



# TECHNICAL ASSISTANCE

## THE SHIFT

**W**hen the Chesapeake Bay Program partners established the Chesapeake Bay TMDL in 2010, they designated 2017 as the half-way point in the efforts to achieve the 2025 TMDL pollution reduction goals and agreed to conduct a “mid-point assessment” to evaluate progress. With this assessment came the charge for the states to develop “Phase III” Watershed Implementation Plans (WIPs) in 2018 to guide the TMDL restoration work of each state for the remaining seven years.

The results of the 2017 “mid-point assessment” reinforced the conclusion that farmers have been — and will continue to be — critical players to success in meeting the 2025 TMDL pollution reduction goals. To achieve these goals, the number of acres of farmland employing pollution reduction practices needs to increase by 28 to 135 percent, depending on the state.

Key to achieving this increase in acres and practices is the critical need for increased availability of technical assistance for Bay farmers. Technical assistance — expertise from public and private conservation professionals who help farmers connect the dots between financial assistance, program compliance, practice verification, and much more — helps enable farmers to meet both pollution reduction and business objectives. A 2017 assessment by the Chesapeake Bay Funders Network confirmed that there is a significant deficiency in the amount of technical assistance available to farmers.

Without sufficient technical assistance, farmers are not likely to meet their goals and we will fall short in our efforts to achieve clean water for the Bay.

## THE STRATEGIC RESPONSE

**I**n 2017, the Commission undertook an in-depth examination of this deficiency. What is and who actually provides technical assistance? How is it funded? What can be done to improve and increase its availability to farmers?

The Commission study was revelatory. It documented, among others things, that:

- The conservation professionals who provide the assistance are both public and private, with differing responsibilities and authorities
- Funding for the training and salaries of public-sector providers is inconsistent and insufficient.
- Administrative work overburdens many of those who work to provide the assistance.
- The insufficiency of available technical assistance can result in available federal financial assistance left on the table, unspent.

The Commission report, titled “Boots on the Ground,” provides strategic solutions to help solve the identified problems. Solutions include ways to incentivize the growth of the private sector providers of technical assistance; enhance the job climate for governmental providers; and provide more consistent, stable and predictable levels of funding for technical assistance.

The strategic solutions of “Boots on the Ground” are helping inform the Bay states’ budgets and Phase III WIP processes, as well as philanthropic investments, and dialogue on federal legislation designed to improve, via the U.S. Farm Bill, the delivery of technical assistance.

BUILDING A LIVESTOCK STREAM CROSSING REQUIRES TECHNICAL ASSISTANCE.



USDA NRCS

REDBARN CONSULTING

VIRGINIA FARMER DAVID HULA WORKED WITH NRCS'S KILBY MAJETTE TO IMPLEMENT PRACTICES THAT HELPED MAKE HULA THE 2017 WORLD RECORD HOLDER FOR CORN YIELDS.





# CONOWINGO DAM

## THE SHIFT

As the largest river in the Chesapeake Bay watershed, the Susquehanna contributes almost 50 percent of the fresh water to the Bay. Over the past 100 years, reservoirs behind three hydroelectric dams on its lower reaches — Safe Harbor, Holtwood and Conowingo — have served as catch basins for nutrient and sediment loads traveling down the river. In 2010, when the Bay partners developed the Chesapeake Bay TMDL, the best science at that time indicated that Safe Harbor and Holtwood dams had reached capacity, but that Conowingo Dam was still trapping a significant amount of pollution and would continue to do so until after 2025.

Science now demonstrates that the Conowingo is already at or near capacity. Thus, nutrient and sediment loads previously stored are now crossing the dam and traveling to the Bay. Advanced modeling estimates the annual addition in nutrient loads bypassing the three dams and entering the Bay at six million pounds of nitrogen and 260,000 pounds of phosphorus. Sediment loads are also higher.

If the Chesapeake Bay partners are to achieve the 2025 Bay TMDL goals, they must find a way to mitigate these additional pollutant loads. Unfortunately, the pollution sources upstream of the dam are almost entirely nonpoint, making them both hard to identify and difficult to control. And, often, there is insufficient funding to assist in implementing solutions.

As part of the 2017 'mid-point assessment' of the TMDL, the Bay Program partners began to consider options to apportion both responsibility and resources for the reduction of the new Conowingo loads.

## THE STRATEGIC RESPONSE

As a leader in the Bay restoration partnership, the Commission has long invested time and resources in the resolution of major Bay policy issues like the new challenge of the Conowingo loads. From policy recommendations surrounding the cost effectiveness of pollution reduction practices to assessing the viability of nutrient trading, the Commission has played a leadership role in responding to new challenges, new innovations, and new science. In 2017, the members expressed great concern with this evolving issue, specifically requesting quarterly briefings and, in a rare action, holding a special meeting dedicated exclusively to the Conowingo loads.

Ultimately, the Commission and its Bay Program partners decided to pursue the development of a distinct management plan to address mitigation of the Conowingo loads, as opposed to a more traditional approach of assigning additional reduction responsibilities to individual jurisdictions. State and federal resources will be pooled together and responsibility for implementation will be collectively shared. Bay Program partners also expect the owner of dam, Exelon, to contribute funds.

This ensures that the burden of Conowingo's loads are shared by the partners and practices are put in place in the most effective locations. Figuring out the funding will be key to this strategy's success.

The Commission will continue to serve an important leadership role in the development of this new management plan as well as additional policy options and funding solutions to help meet this challenge.



USGS SCIENTISTS TAKE STORM SAMPLES ON LOWER CATWALK.



CONOWINGO DAM IN HIGH FLOW CONDITIONS.



# SCIENCE AND SEDIMENT

## THE SHIFT

The year 2017 brought with it continued new complexities to the problems surrounding the Bay and sediment pollution. With new runs of the latest version of the “Bay model” — the world’s most sophisticated estuarine predictive tool — research showed that a significant portion of the sediment contributing to the health challenges of the Bay could well be coming from Bay feeder streams themselves, not just from urban, suburban or agricultural runoff. That is, sediment eroding from the banks of the waterway or resuspension of it from the riverbed was traveling through the system to the Bay.

This was not a huge surprise. Aggressive storm events result in streambank scouring and fuel new contributions of sediment. In addition, the breaching of former mill dams — ubiquitous on Pennsylvania’s landscape — can release hundreds of years of stored sediment from the ponds behind the dams. Researchers in Lancaster County, Pennsylvania, have documented, for example, more than 380 historic dams in that county alone.

Members also raised questions regarding another contributor to stream sediment: boat wakes. Some had observed increased turbidity in waters during periods of high recreational boat activity. Could the wake action of boats be contributing to the in-stream sediment loads that were polluting the Bay? Could there be a connection between the energy of a boat wake and both streambank erosion and sediment resuspension?

## THE STRATEGIC RESPONSE

In January, the Commission asked the Bay Program’s Scientific and Technical Advisory Committee (STAC) to conduct a review of the potential impacts of boat wakes on shoreline stability and sediment pollution. A year before, the Commission had requested that STAC examine the related issue of legacy sediments in riparian corridors; a final report is in production.

The Commission’s boat wake request to STAC focused on:

- The state of the science.
- Specific implications and concerns for Bay restoration arising from the science.
- Modeling approaches and data requirements for assessing impacts.
- Existing data gaps and future research needs.
- Relevant management and policy actions to minimize boat wake impacts to shorelines.

In the fall of 2017, STAC completed its boat wake review and provided the Commission with four primary recommendations:

- Develop predictive models to quantify the relative sediment contributions of boat wakes.
- Collect data necessary to identify shores vulnerable to erosion from boating, and to calibrate and validate predictive models.
- Incorporate boat wake induced turbidity and erosion when siting restoration activities.
- Investigate the opportunities within the Bay states to implement no-wake zones or other wake reduction strategies.

In September, the Commission requested that the Bay Program determine a strategy to implement these recommendations.

**BEFORE** PRE-RESTORATION MILLPOND  
SEDIMENT DEPOSITS IN 2011.



**AFTER** RESTORED WETLANDS SHOWN IN 2013  
AFTER REMOVAL OF HISTORIC SEDIMENT.



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PRINTED ON RECYCLED PAPER

COVER PHOTO: "TANGIER LANDING" · DAVID HARP/CHESAPEAKEPHOTOS.COM



**Chesapeake Bay Commission**  
*Policy for the Bay*