



IN 2009, I HAD THE PLEASURE OF SERVING AS Chairman. No surprise, our focus continued to be clean water. However, with renewed attention at every level of government, 2009 may well have marked the beginning of a new era of progress. ¶ A Presidential Executive Order and development of a Baywide TMDL amplified Federal commitments to the Bay. We welcome the enhanced partnership with Federal agencies, especially increased federal funding, targeting and accountability. At the same time, the implementation of state programs must remain flexible to play to their respective strengths and resources. ¶ The Commission also worked closely with the U.S. Congress to ensure our states’ concerns are clearly reflected in Bay-related legislation and I and other Commission members and staff testified before Congressional committees eight times during 2009. ¶ At the state level, our delegations in Virginia, Maryland and Pennsylvania worked through their legislative sessions, advancing clean water policies to promote next-generation biofuels, protect agricultural conservation measures and improve stormwater management. ¶ The Commission also kept a careful eye on living resources. The Army Corps of Engineers, Virginia and Maryland agreed that oyster restoration in the Chesapeake will focus solely on the native oyster, putting to rest the ongoing controversy over introducing non-native oysters. The Bay’s blue crab population is also exhibiting great promise, the direct result of coordinated management strategies put into action across state lines. ¶ No doubt, there are challenges ahead; we must continue to collaborate and innovate.

John A. Cosgrove

FROM THE 2009 CHAIRMAN

SUMMARY OF PRIORITIES

THE COMMISSION JOINED WITH OTHER MEMBERS OF THE CHESAPEAKE Executive Council in May to adopt a new deadline for achieving a healthy Bay. By 2025 all programs are to be in place. Achievement of this deadline is supported by the adoption of state-specific actions and regulatory requirements every two years (“two-year milestones”) within the structure of the new Bay-wide Total Maximum Daily Load (TMDL). ¶ To meet the 2025 target, nutrient and sediment reductions must be more than doubled. Ramping up to this level of effort requires better accounting for, and control of, all sources of excess nitrogen, phosphorus and sediment that reach the Bay. We must be more ACCOUNTABLE — to the public and our Bay Program partners — in order to ensure our progress. ¶ One of the strengths of the Commission is the geographic and political diversity of our members. As we work toward a common goal – a cleaner Bay – our respective state delegations work as separate units to enact policies that capitalize upon local conditions and opportunities. Similarly, even as the full restoration effort becomes increasingly standardized within the TMDL structure, the respective state programs must remain FLEXIBLE enough to be effective within each state’s particular circumstances. ¶ The new deadline and milestones will require an acceleration of both resources and effort. In turn, this necessitates INNOVATIVE solutions for nutrient and sediment reduction, such as new technologies or novel ways of funding Bay conservation practices. Finding innovative means to be COST EFFECTIVE was especially critical in 2009 as the lagging economy reduced available funds just when efforts began to ramp up to the first two-year milestones. ¶ Accountable. Flexible. Innovative. Cost Effective. This describes not only the Commission’s work in 2009, but a plan that will see us through to success in 2025.



ABOUT THE COMMISSION

FOR THREE DECADES, THE CHESAPEAKE BAY COMMISSION HAS BEEN AN effective catalyst for Bay restoration, seeking the best science, the most innovative and cost-effective strategies, and the most productive legislative approaches to achieve our shared goal of a healthy Bay. The Commission represents the General Assemblies of its member states — Maryland, Pennsylvania and Virginia — and works closely with the U.S. Congress. Addressing environmental issues as wide-ranging and complex as the Bay itself, the Commission pioneers innovative solutions for air, land, water and living resources. ¶ The 21 members of the Commission include 15 state legislators, three cabinet-level Secretaries representing their governors, and three citizen representatives. The full range of urban, suburban and rural life found throughout the watershed is represented within this bipartisan Commission with each member contributing their unique perspective, knowledge and expertise. ¶ Our members’ greatest contribution is to the development of laws and policies within our three states. But the Commission also plays a vital role in unifying the watershed. As a signatory to all Chesapeake Bay agreements and as an original member of the Chesapeake Executive Council and Bay Program, the Commission promotes Bay-wide laws, policies, budgets and programs at both the state and federal levels. The Commission excels at forging diverse cooperative partnerships representing all levels of government to find common-ground solutions. ¶ With the significant increase in federal engagement in 2009, the Commission has remained a central partner to ensure that the federal involvement is collaborative and complementary to the Bay region partnership, its states in particular.

2009 MEMBERS AND STAFF

CHESAPEAKE BAY COMMISSION 2009

MEMBERS

CHAIRMAN

The Hon. John A. Cosgrove, Virginia House of Delegates

VICE-CHAIRMAN

The Hon. Michael W. Brubaker, Senate of Pennsylvania

The Hon. Thomas McLain “Mac” Middleton, Maryland State Senate

The Hon. L. Preston Bryant, Jr., Secretary of Natural Resources, Virginia

The Hon. Virginia P. Clagett, Maryland House of Delegates

The Hon. Russell H. Fairchild, Pennsylvania House of Representatives

The Hon. Bernie Fowler, Maryland Citizen Representative

The Hon. Brian E. Frosh, Maryland State Senate

The Hon. John R. Griffin, Secretary of Natural Resources, Maryland

The Hon. Emmett W. Hanger, Jr., Senate of Virginia

The Hon. John Hanger, Secretary of Environmental Protection, Pennsylvania

The Hon. Irvine B. Hill, Virginia Citizen Representative

The Hon. James W. Hubbard, Maryland House of Delegates

The Hon. Lynwood W. Lewis, Jr., Virginia House of Delegates

The Hon. L. Scott Lingamfelter, Virginia House of Delegates

The Hon. P. Michael Sturla, Pennsylvania House of Representatives

The Hon. James Wansacz, Pennsylvania House of Representatives

(beginning June 2009)

The Hon. Michael L. Waugh, Senate of Pennsylvania

The Hon. Mary Margaret Whipple, Senate of Virginia

The Hon. George B. Wolff, Pennsylvania Citizen Representative

The Hon. John F. Wood, Jr., Maryland House of Delegates

Rear Admiral Mark S. Boensel, Naval Liaison

* Executive Committee Member (two officers from each state)

STAFF

Ann Pesiri Swanson, Executive Director

Suzan Bulbulikaya, Virginia Director

Matthew P. Mullin, Maryland Director

Marel A. Raub, Pennsylvania Director

Paula W. Hose, Administrative Officer

INNOVATIVECOST-EFFECTIVESOLUTIONS

THE CHESAPEAKE BAY COMMISSION HAS A STRONG HISTORY OF PROMOTING cost-effective and innovative tools for Bay restoration. These efforts have focused not only on pushing for greater implementation of traditional best management practices, but also identifying new ways to accelerate nutrient and sediment reductions that make economic sense.

NEXT-GENERATIONBIOFUELS

For the last three years, the Commission has provided national policy leadership regarding sustainable next-generation biofuels. In 2009, the Commission published "Chesapeake Biofuel Policies: Balancing Energy, Economy and Environment" in partnership with the Commonwealth of Pennsylvania. The Commission's work on biofuels was guided by a select Biofuels Advisory Panel composed of some of the top economists, scientists and policy makers in this field. ¶ This new publication is the third in a series of works by the Commission that demonstrate the potential for significant nutrient reductions to Chesapeake Bay from increased plantings of next-generation biofuel feedstocks in the watershed. Winter crops such as barley or rye, or perennial grasses such as switchgrass, can complement existing cropping patterns in the region and serve as buffers or nutrient sinks. Sustainable harvest of forest thinnings can promote forest management practices to improve the uptake of excess nutrients. ¶ Biofuels also offer a net economic benefit to our region and could serve as a market-based driver of sound conservation practices. For example, over 18,000 jobs could be created within the region based upon a conservative watershed production goal of 500 million gallons per year of next-generation biofuels. Related improved land use for feedstock production could more than double the watershed's annual rate of progress toward water quality goals from all sources. If 766,000 acres of winter rye is planted in rotation, we might expect to see a 4 million pound reduction of nitrogen entering the Bay.

STORMWATERMANAGEMENT

Despite overall progress toward nutrient and sediment goals, loadings from urban and suburban stormwater continue to increase. In 2009 the Commission took special interest in the role of local governments as they manage stormwater, and the potential mix of regulatory policies and economic tools available to enhance local stormwater management. ¶ One practice that captured our attention was the use of permeable pavement. Although limited to low-use areas such as local streets or parking lots, these areas are a large segment of the watershed's total impervious area, which is growing five times faster than the population. The paving industry has made great strides in developing structurally sound and cost-effective permeable pavement, and the Commission is looking into policies to reduce the informational and regulatory barriers that block expansion of this and other "low-impact development" techniques.

NUTRIENTTRADING

The continuing challenge to water quality in Chesapeake Bay is not only reducing nutrient and sediment loads from existing sources, but maintaining a cap on nutrient loadings in the face of future population and economic growth. ¶ The concept of nutrient trading is gaining acceptance as a tool to improve water quality, and the economic incentive of nutrient credits is attracting entrepreneurs to develop new technologies in the water quality field. Sale of credits from new nutrient-reducing technologies will serve to demonstrate their commercial-scale application and create new cost-effective options in the effort to improve water quality. ¶ The Commission's staff is engaged in the effort to develop an interstate trading program for the watershed. When combined with existing state nutrient reduction programs, the increased market for credits should create powerful economic incentives to develop new technology. Once these technologies are properly vetted and certified by members of the scientific community, they should contribute greatly to the Bay's overall water quality goals.

THECOMMISSIONATWORK2009



Delegate Lynwood Lewis and Senator Emmett Hanger.



Chairman John Cosgrove joined by Maryland Governor Martin O'Malley, EPA Administrator Lisa Jackson and Virginia Governor Timothy Kaine.



Citizen Representative George Wolff



Senator Brian Frosh



Members witness the largest use of pervious surface technology in the nation at the Williamsburg Prime Outlets, where Prime Retail was able to maximize commercial space by using low impact technology to eliminate stormwater runoff.



Chairman John Cosgrove, Executive Director Ann Swanson and Vice-Chairman Mike Brubaker share a light moment at a Commission meeting.



Senator Mike Brubaker, Pennsylvania Delegation Chair.



Our longest-serving member, communications expert Irv Hill of Virginia, retired in 2009 after serving on the Commission for 29 years.



Delegate John Wood, Jr., Senator Mary Margaret Whipple, Delegate Lynwood Lewis and Delegate Virginia Clagett consult with experts at the Horn Point Shellfish Laboratory in order to develop policies favoring aquaculture and the restoration of the native oyster.

ACCOUNTABLEFLEXIBLERESTORATION

THE SUCCESS OF THE CHESAPEAKE BAY CLEANUP REQUIRES US TO BUILD upon a foundation of state-led initiatives, public-private partnerships, and citizen advocacy that have historically been the core of the restoration effort. However, we have now entered a new era defined by a Presidential Executive Order and development of a Bay-wide Total Maximum Daily Load (TMDL) that necessitate a new level of accountability for progress. ¶ The recently enhanced federal role will result in greater funding, technical assistance and tools for Bay states and other restoration partners. Federal engagement will also bring greater expectations for timely progress, and consequences for lack of progress. For the Chesapeake Bay Commission, 2009's unprecedented level of federal activity has led to an equally unparalleled level of vigilance, analysis, and comment to ensure that state program flexibility is maintained and supported.

BAYWIDETOTALMAXIMUMDAILYLOAD

As a "pollution budget" for the entire Chesapeake Bay and its major river basins, the Bay TMDL will establish enforceable and measurable annual allowances for the major pollutants of the Bay ecosystem — nitrogen, phosphorous and sediment. Compelled by two judicial consent decrees, the EPA — working with Commission staff and representatives of the six states — began intensive development of a Bay-wide TMDL in 2009. The Bay TMDL seeks to ensure that commitments to achieve water quality standards are met by the year 2025 and will require states to develop and implement specific actions and strategies within two-year, measurable increments. The Commission will continue to pursue enactment of new laws and appropriations to shore up each state's two-year milestones toward this ambitious 2025 goal.

CHESAPEAKEBAYPROTECTIONANDRESTORATIONEXECUTIVEORDER

In May, President Obama signed Executive Order 13508, formally recognizing Chesapeake Bay as a National Treasure. The order charges federal agencies to lead a coordinated effort to restore the Bay and creates a Federal Leadership Committee to oversee a federal strategy to restore water quality, improve coordination and targeting of federal funds, increase public access to the Bay and its tributaries, address impacts of climate change, and enhance stewardship of the Bay and its watershed. The Commission first advocated the idea of an executive order in 2004, and has taken a proactive role in its development and implementation.

CLEANWATERACTBAYPROGRAMREAUTHORIZATION

In 1983 Congress created the Chesapeake Bay Program, establishing it under the Clean Water Act. The Chesapeake Bay Program coordinates the efforts of the Commission, Bay states, District of Columbia, and federal government and must be reauthorized every five years. As part of the current reauthorization, new language was introduced in 2009 by Maryland's Senator Ben Cardin and Congressman Elijah Cummings to provide for a system of state-specific plans for implementation of the TMDL and authorize more than \$2 billion in funds to support state and local efforts. Commission members and staff testified at several Congressional hearings on the reauthorization, emphasizing the need to balance accountability and flexibility within the Bay Program. As of press time, the legislation was still making its way through the committee process.

LEADERSHIP2010



Maryland Senator Thomas McLain "Mac" Middleton is the 2010 Chairman of the Chesapeake Bay Commission. Joining him on the leadership team are Pennsylvania Senator Mike Brubaker and Virginia Senator Mary Margaret Whipple.