



December 12, 2011

Nicholas DiPasquale
Director
Chesapeake Bay Program Office
United States Environmental Protection Agency
410 Severn Avenue, Suite 109
Annapolis, Maryland 21403

Dear Mr. DiPasquale:

The decision in 2008 by the Chesapeake Executive Council to set short-term goals to reduce pollution to the Chesapeake Bay and accelerate the pace of restoration was wise. The milestone goals present perhaps the most significant opportunity to ensure long-term cleanup success. We believe the two-year milestone strategy also provides an opportunity for the public to hold the seven jurisdictions and the Environmental Protection Agency (EPA) accountable for restoring the Chesapeake Bay watershed.

Because of our on-the-ground working knowledge of restoration efforts, the conservation community that comprises the Choose Clean Water Coalition is working together to monitor and verify milestone progress. Our collective efforts have focused initially on a review of several states' interim progress toward reaching their 2009 to 2011 milestone commitments. Through our review, we have identified a number of program enhancements that we believe could increase clarity, transparency, and public confidence in the results. The attached table presents a snapshot of some of the questions and concerns discovered in an initial review of data comparing the 2008 baseline year with progress in 2009 and 2010.

In addition, we reiterate our belief, expressed in the October 26, 2011 letter from the Choose Clean Water Coalition co-chairs to Region 3 Administrator Garvin that the milestones should not just be practice-based, but also performance-based on the expected pounds of pollution reduced. We understand that, with the transition to the Phase 5.3.2 Chesapeake Watershed Model, some Bay jurisdictions have expressed concern about evaluating the existing milestones relative to pollution reduction goals. While we are sympathetic to these concerns, we believe that this measure is critical to ensuring the Bay jurisdictions are on-track to achieve the 2017 and 2025 deadlines for implementation.

This letter summarizes several recommendations for EPA's consideration. We urge EPA to implement these recommendations prior to, or consistent with, release of final progress reports for the 2009 to 2011 milestones or else make a commitment to address them in the new set of milestones. Without such, our organizations, while greatly valuing the milestone approach, must question if there is adequate transparency to ensure public confidence in the results.

Recommendations for Enhancing Milestone Reporting:

- 1) Within all public documents and data sets provide definitions of each practice and whether progress is reported on a cumulative or annual basis.
- 2) Provide source references (such as state agricultural cost share programs, local government submissions, public grant reporting) for the progress documented for each practice.
- 3) Measure baseline and progress implementation using the same units of measurement or, if units are altered, report data using both units of measurements (e.g., animal waste management systems and barnyard runoff control).
- 4) Within all public documents and data sets provide an explanation for unusual numbers – such as implementation rates that increase or decrease drastically from one year to the next.
- 5) Identify those practices for which there is strong evidence that reported progress may not represent actual progress, such as agriculture best management practices that are not cost shared and currently not fully tracked.
- 6) Prevent confusing practice reporting, such as combining similar practice categories and not reporting on individual practices for which there is a milestone commitment.
- 7) Notify the public if jurisdictional commitments are modified during a milestone time period and provide reporting data on the original commitment if feasible. Discourage jurisdictions from substituting practices that may be easier to implement in the short-term, but are not economically efficient or sustainable over the long-term (e.g., substituting an annual practice such as cover crops for a more permanent practice such as forest buffers).
- 8) Finally, synchronize reporting for all seven jurisdictions to allow for comparisons, and lessons learned, between jurisdictions.

In addition, we have reviewed the October 31, 2011 draft federal water quality programmatic milestones for January 1, 2012 through December 2013. Our organizations support requiring federal agencies and facilities to commit to and report on the same type of specific practice implementation and pollutant load reductions goals that are being required of the states and the District of Columbia. Federal agencies own 7.8% of the Chesapeake Bay watershed and should be making a concerted effort, along with everyone else, to reduce their impacts on local waters and the Bay.

Our goal in providing this feedback is to assist you in ensuring all the Bay restoration partners, including the conservation community and the public, can utilize milestones as a tool for reaching success in restoring the Chesapeake Bay and the thousands of rivers and streams throughout the watershed. We feel strongly that a two-year milestone strategy supported by transparent and verifiable progress reporting will help deliver and sustain strong support from decision-makers and the general public that is critical to achieving the 2017 and 2025 clean water goals.

We appreciate your time and consideration of these recommendations and are available to discuss further with your staff if necessary.

Sincerely,

Anacostia Watershed Society
Audubon MD/DC
Audubon Naturalist Society
Blue Water Baltimore
Chapman Forest Foundation
Chesapeake Bay Foundation
Chesapeake Wildlife Heritage
Chester River Association
Citizens for Pennsylvania's Future (PennFuture)
Clean Water Action
Delaware Nature Society
Friends of Dyke Marsh
Friends of Herring Run Parks
Friends of Lower Beaverdam Creek
Izaak Walton League of America
James River Association
Loudoun Wildlife Conservancy
Lower Susquehanna Riverkeeper
Mid-Atlantic Council Trout Unlimited
Maryland Conservation Council
Mattawoman Watershed Society
National Aquarium
National Parks Conservation Association
National Wildlife Federation
Nature Abounds
One Thousand Friends of Maryland
Peach Bottom Concerned Citizens Group
Potomac Conservancy
Potomac Riverkeeper
Savage River Watershed Association
Shenandoah Riverkeeper
Shenandoah Valley Network
Sierra Club- Pennsylvania Chapter
Southern Environmental Law Center

Virginia Conservation Network
Virginia League of Conservation Voters
West/Rhode Riverkeeper
West Virginia Rivers Coalition
Wicomico Environmental Trust
Wild Virginia

Attachment

cc: Jeff Corbin, EPA, Senior Advisor for the Chesapeake Bay
Carin Bisland, Associate Director for Ecosystem Management

ATTACHMENT

CONCERNS/QUESTIONS REGARDING 2009 TO 2011 MILESTONE INTERIM REPORT

MILESTONE COMMITMENT	CONCERNS/QUESTIONS?
Nutrient Management Plans	<ul style="list-style-type: none"> • Does the data reflect all nutrient management plans? • Will there be a verification process to assure that these plans are implemented?
Continuous No Till	<ul style="list-style-type: none"> • Maryland revised its goal mid-milestone without public notice. • Are the states grouping different practices together in the milestone reporting? For example, are continuous no-till and other conservation tillage counted together for a cumulative conservation tillage number?
Cover Crops	<ul style="list-style-type: none"> • It is not clear if numbers reported are cumulative or annual.
Stream Access Control with Fencing	<ul style="list-style-type: none"> • Further clarification is needed on what this practice is and whether it is measured as cumulative or annual progress. • Virginia's numbers dropped significantly; it is not clear why this occurred. • It is difficult to compare progress with 2008 baseline as the terminology has changed.
Forest Buffer and Forest Buffer with Fenced Pasture	<ul style="list-style-type: none"> • States revised reporting on these practices between the baseline year 2008 and progress years 2009 and 2010; therefore, difficult to compare progress numbers to baseline numbers for a state and difficult to compare progress between states. • Maryland again revised its goal mid-milestone without public notice.
Wetlands	<ul style="list-style-type: none"> • For all states, it is not evident why numbers fluctuated significantly or did not change at all between baseline and progress years and between the two progress years.
Land Retirement	<ul style="list-style-type: none"> • Pennsylvania's numbers increased significantly; it is not clear why this occurred. • Maryland again revised their goal mid-milestone without public notice.

Grass Buffers	<ul style="list-style-type: none"> • Virginia appears to have added grass buffers on fenced pasture corridor with grass buffers thus reporting that its goal has been met by 143%. It is not clear if in fact Virginia is meeting the goal or redefined the measurement of this goal to include two practices. • With practices combined, it is difficult to compare baseline to progress in 2009-2010.
Tree Planting	<ul style="list-style-type: none"> • Pennsylvania's numbers increased dramatically; it is not clear why this occurred. • Maryland again revised its goal mid-milestone without public notice.
Non-Urban Stream Restoration	<ul style="list-style-type: none"> • Pennsylvania's numbers increased dramatically; it is not clear why this occurred. • Virginia's numbers did not change from 2009 to 2010; it is not clear why this occurred (no additional work in 2010 or a reporting problem)?
Animal Waste Management Systems	<ul style="list-style-type: none"> • Virginia committed to 241 systems but reported progress for 2009 and 2010 in animal units, making it difficult to compare baseline to progress. • Maryland again revised its goal mid-milestone without public notice. • Reasoning behind the changes in Pennsylvania's numbers is not evident.
Barnyard Runoff Control	<ul style="list-style-type: none"> • Units of measurement changed from systems to acres, impeding comparisons between the baseline and progress years.
Stormwater Management	<ul style="list-style-type: none"> • Virginia's implementation increased significantly from baseline in 2008 to 2009, which was followed by only a small increase in 2010 for one practice and no change for others. While this suggests a need for improved urban practice verification and counting, reasoning behind the progress or lack of progress is not evident.
Erosion and Sediment Control	<ul style="list-style-type: none"> • Virginia's numbers suggest no progress in 2010, which is not feasible.
Urban Nutrient Management Plans	<ul style="list-style-type: none"> • Virginia's numbers increased dramatically from baseline in the first year of the milestone and then decreased significantly in 2010. Reasoning behind the progress and lack of progress is not evident.
Septic	<ul style="list-style-type: none"> • Septic pump outs increased dramatically in Virginia in 2009 then dropped off dramatically in 2010. Reasoning behind the progress and lack of progress is not evident.

