



July 10, 2013

Keith Anderson, Chair
Principals' Staff Committee
Chesapeake Bay Program
District Department of the Environment
1200 First Street, NE
Washington, DC 20002

Dear Chairman Anderson,

As members of the Choose Clean Water Coalition and as citizens that use, love, work, and live on and around the Chesapeake Bay and our region's waterways, we have a stake in any new Chesapeake Bay Agreement, and write to submit formal comments about what we have seen to date. We have only recently become aware that formal comments will be collected online July 10 through August 15, 2013; we are concerned about the timing of the stakeholder input period as well as how stakeholders have been made aware of this opportunity to comment. It is also unclear how public input will be compiled, communicated, and considered by members of the Management Board and the Principals' Staff Committee. Given that the draft Agreement available for comment is only an abridged version of what is expected to be signed by the Chesapeake Executive Council and implemented regionally by the jurisdictions and cooperating stakeholders, these comments can only speak in generalities to the concerns of the overall process and content of the new Agreement.

We appreciate all of the hard work that has gone into crafting a new Chesapeake Bay Agreement, and hope that any new Agreement will directly lead to improved water quality and protection of our healthy watersheds throughout the region. We also recognize the value in an interstate agreement that extends beyond water quality to include protecting and restoring the habitats and landscapes of the Chesapeake as well as the public's ability to access and enjoy them. However, we are very concerned that what we have seen so far will not accelerate restoration and will not provide the accountability mechanisms necessary to do so. Achieving benchmarks in water quality as well as the goals associated with protecting and restoring the habitats and landscapes of the Chesapeake and the public's ability to enjoy them requires significant buy-in from stakeholders who have not been heavily involved in the development of this Agreement. This is an opportunity to grow the number and diversity of stakeholders invested in Chesapeake restoration, and we challenge the Bay Program to conduct concerted outreach to sportsmen and -women, land trusts and outdoor recreation clubs and businesses.

We have organized our concerns into five categories, and hope that they can help to create a strong and effective new Agreement.

Public Participation and Transparency

- The Coalition is very concerned that the opportunity for public participation or comment in this process appears to be an afterthought and is very limited.

- So far, a two-hour period has been allotted to a July 11 meeting of the Chesapeake Bay Program Management Board for the public to be able to present oral comments. Only by attending the June 27 Principals' Staff Committee meeting were we notified of an online opportunity to submit written comments. The abridged version will be available in early July, with a full draft available later in July – only after a portion of the comment period has expired.
- We are concerned that the public has not been given an opportunity to express concerns and give comments to the Principals' Staff Committee, which consists of higher level policy and political representatives who will be actual decision-makers as to what any new agreement will look like, and are more directly accountable to constituents in their jurisdictions.



Chesapeake Bay Total Maximum Daily Load (TMDL) and Water Quality Standards

- The Coalition believes that it is critical to have the Chesapeake Bay TMDL and the associated water quality standards explicitly mentioned and integrated into any new Chesapeake Bay Agreement.
- The language contained in the May 9, 2013 draft of a new agreement is an example of what is needed and should be retained:
 - “Water Quality Goal: Restore water quality to achieve standards for DO, clarity/SAV, and chlorophyll-*a* in the Bay and its tidal waters as articulated in the Chesapeake Bay TMDL.”
- Having any new Bay agreement without embedding the TMDL would be viewed by us a step backward. The June 19, 2013 draft as discussed at the June 27 Principals' Staff Committee meeting does not have any mention of the TMDL as the vehicle for achieving the water quality goal. This is also consistent with the July 9, 2013 abridged version. At a minimum, this version must read:
 - “Water Quality Goal: Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries as articulated by the Chesapeake Bay TMDL while protecting human health.”

Accountability

- The Coalition is very concerned that there will be a lot of fanfare over the “signing” of a new Bay Agreement and the lofty goals that it contains, but then a lack of implementation and follow through by some jurisdictions.
- There appears to be no mechanism to require jurisdictions to develop or participate in a meaningful way in the “management strategies” that are to be the primary implementation tool meant to meet the overarching goals.
- There needs to be accountability and assurance that all signatories to any new Bay Agreement follow through on commitments. We have questions about how the public will be informed of the jurisdictions' progress in meeting their commitments in a way that ensures transparency and promotes public confidence.
- We do not expect NY, PA and WV to develop management strategies for an oyster restoration goal, however, we would expect MD, NY, PA, VA and WV to all develop management strategies for a brook trout restoration goal. What happens if one of them does not develop and implement such a management strategy? Right now, it appears that the answer is “nothing”.

Outcomes vs. Measuring Progress

- The Coalition is concerned that some of the “outcomes” under the “goals” are more a mechanism for measuring current progress, rather than aggressive targets that could be used to leverage additional partners and resources to accelerate progress. An example is the commitment “to apply new conservation practices on 4 million acres of agricultural working lands in high priority watersheds by 2025...” Will this lead to specific reductions in nutrient or sediment runoff? Are these practices that would not have occurred without this new agreement? It may instead be wise to include language related to accountability, transparency and verification.



Significant Omissions

- **Hydraulic Fracturing** – The Chesapeake Bay watershed is already home to rapid natural gas development through the use of hydraulic fracturing, and that only includes Pennsylvania and West Virginia at this time. The Coalition has a policy priority that expresses our concern about “increased erosion and stormwater runoff of nutrients and sediment from drilling operations, including pipelines, roads, and drill pads; and increased water withdrawals from local streams. The Coalition supports adoption of plans and implementation of effective protections governing deep natural gas drilling to avoid water quality and quantity impacts as well as impacts to our public lands.” Not addressing this growing source of nutrient and sediment pollution in the watershed seems to be a glaring omission.
- **Stormwater Pollution** – The largest source of increasing nutrient and sediment pollution, and the one that impacts the most people, is not specifically mentioned in this agreement. Local governments are struggling with this increasing source of pollution, adopting stormwater utilities and other mechanisms to deal with the problem. The much delayed national stormwater rule and total silence in a new Chesapeake Bay Agreement by the state and federal governments, is a glaring omission. There is virtually nothing in this agreement to address issues in urban and populated areas.
- **Human Health** – We are glad that recent drafts added some mention of the impacts on human health from toxic contaminants and other emerging contaminant issues, such as endocrine disrupters. The new Bay Agreement should go further than the current general language that contains a couple of vague commitments.

Thank you for considering the views of the Coalition at this very important time for the Chesapeake Bay Program and the waterways the Program works to protect. We are happy to discuss our concerns and help your partnership develop a strong and effective new Agreement in any way that we can. Please contact Tanya Dierolf at DierolfT@nwf.org (717-991-3017) with any questions. Thank you.

Sincerely,

American Rivers
Anacostia Watershed Society
Audubon Maryland-DC
Audubon Naturalist Society
Blue Ridge Watershed Coalition
Blue Water Baltimore
Chesapeake Bay Foundation



Chesapeake Wildlife Heritage
Chester River Association
Citizens for Pennsylvania's Future
Clean Water Action
Conservation Pennsylvania
Delaware Nature Society
Earth Forum of Howard County
Eastern Pennsylvania Coalition for Abandoned Mine Reclamation
Friends of Dyke Marsh
Friends of Frederick County
Friends of Lower Beaverdam Creek
James River Association
Lower Susquehanna Riverkeeper
Lynnhaven River NOW
Maryland Conservation Council
Maryland League of Conservation Voters
Mid-Atlantic Council of Trout Unlimited
Midshore Riverkeeper Conservancy
National Aquarium
National Parks Conservation Association
National Wildlife Federation Mid-Atlantic Office
Natural Resources Defense Council
Nature Abounds
Parks & People Foundation
Pennsylvania Council of Churches
Peach Bottom Concerned Citizens Group
Piedmont Environmental Council
Potomac Conservancy
Potomac Riverkeeper
Prince William Conservation Alliance
Rivanna Conservation Society
Rock Creek Conservancy
Savage River Watershed Association
Shenandoah Riverkeeper
Shenandoah Valley Network
Sierra Club – Pennsylvania Chapter
Sierra Club – Virginia Chapter
Southern Environmental Law Center
Talbot Preservation Alliance
Virginia Conservation Network
Virginia League of Conservation Voters
West/Rhode Riverkeeper
West Virginia Rivers Coalition

cc: Members of the Chesapeake Bay Program Principals' Staff Committee

Members of the Chesapeake Bay Program Management Board

