Citizens Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

CHAIR
Charlie Stek
Maryland

VICE CHAIR
Paula Jasinski
Virginia

Paul Bruder
Pennsylvania

John Dawes
Pennsylvania

Andrew Der
Maryland

Matthew Ehrhart
Pennsylvania

Greg Evans
Virginia

Christy Everett
Virginia

William Fink
Pennsylvania

Dale Gardner
Virginia

Verna Harrison
Maryland

Jeff Holland
Maryland

Chris Karakul
Washington, DC

Julie Lawson
Washington, DC

Patricia Levin
Pennsylvania

Joseph Maroon
Virginia

Jennifer Reed-Harry
Pennsylvania

Nikki Tinsley
Maryland

Victor Ukpolo
Maryland

Bob Wayland
Virginia

Neil Wilkie
Maryland

September 14, 2016

The Honorable Terry McAuliffe
Chair, Chesapeake Executive Council
Commonwealth of Virginia
Office of the Governor
1111 East Broad Street
Richmond, VA 23219

Dear Governor McAuliffe:

Since its founding in 1984, the Citizens' Advisory Committee (CAC) has worked to fulfill its responsibilities to the Chesapeake Executive Council (EC) by reviewing Chesapeake watershed policies and programs, identifying gaps and opportunities, and offering advice on key restoration issues from a citizens' perspective and broad bases of experience. As your citizen advisors, we appreciate that substantial progress towards the Bay restoration has occurred and we recognize the many persons, organizations, agencies and other interests who have made a difference. We also acknowledge the challenging work which remains. In that regard, we take our volunteer time seriously to watch over the progress being made on the aspects of the restoration effort that can foster and strengthen the health of our ecosystem and quality of life.

Since the Executive Council's July 23, 2015 meeting, the Citizens' Advisory Committee has met in Virginia, Maryland, and Pennsylvania to discuss restoration progress and challenges with state and federal agencies and representatives of the Chesapeake Bay Program (CBP); we've hosted panel discussions on oyster restoration and aquaculture; environmental literacy; and the Bay TMDL Midpoint Assessment and Phase III Watershed Implementation Plans expectations.

We aim to offer the Program Partnership meaningful insights and suggestions that can be translated into policy changes or concrete actions. Below we offer our top three recommendations of issues and opportunities for 2016-2017 that we strongly believe would help accelerate the partnership's efforts to meet the goals of the Chesapeake Watershed Agreement.

Thank you for your leadership for the Chesapeake Bay Watershed. We are available to meet with you or your staff to further discuss the recommendations.

Sincerely,

Charles A Stek
Chair, Citizens' Advisory Committee

Paula Jasinski
Vice-Chair, Citizens' Advisory Committee

ED_004968_00009417-00001

2016 Citizens' Advisory Committee Recommendations to the Executive Council:

(1) Environmental Literacy

The CAC continues to believe that an educated and engaged citizenry is absolutely critical to the success of the Chesapeake restoration effort and urges the Executive Council to take additional steps to foster the environmental literacy of the nearly 18 million citizens in the Chesapeake watershed.

We commend members of the Executive Council, and particularly Governor McAuliffe, for facilitating the April 20, 2016 Leadership Summit on Environmental Literacy. That summit – for the first time -- brought together executive level leadership from federal, state and local education agencies, state natural resource and conservation agencies, and non-profit environmental education providers to explore ways to advance the environmental literacy of the 3.5 million pre K-12 students in the watershed. At that meeting, participants learned:

- about the collective efforts to restore the Chesapeake and successful models of sustainable environmental literacy programs in several schools and school districts around the watershed;
- that, when integrated into the curriculum, environmental and outdoor education is a powerful tool for advancing student academic achievement and engagement in not only science, but in all disciplines, and for promoting environmental stewardship;
- about the new funding opportunities available from the U.S. Department of Education under both Title IV and other sections of the recently-enacted Every Student Succeeds Act (ESSA) that could be used to support environmental education in Chesapeake watershed schools, but that those funds are contingent upon the State Education Agencies including and highlighting environmental literacy in their state-submitted ESSA implementation plans;
- that other funding opportunities are available to support state and local environmental literacy programs under the NOAA Chesapeake Bay Watershed Education and Training Program (B-WET), and EPA's environmental education grants program, among others, but need continued support to ensure their availability.

Consistent with the consensus and conclusions of the April 20, 2016 Environmental Literacy Summit, with the environmental literacy goal and outcomes of the 2014 Chesapeake Watershed Agreement, and with Directive No. 98-1, Chesapeake Bay Program Education Initiative, adopted by the Executive Council nearly two decades ago, we urge the EC members to:

Recommended Actions:

- **Issue a new Chesapeake Environmental Literacy Directive or Resolution**, reaffirming and updating Directive No. 98-1 to include the headwater states and calling on the Departments of Education at the local, state *and* federal levels to:
  a) Be active partners in the Chesapeake Watershed Restoration effort with a seat at the table. For the U.S. Department of Education, that can be done either, through a Memorandum of Understanding or by encouraging the President to amend Executive Order #13508 to make the U.S. Department of Education part of the Federal leadership team with a specific directive to assist the watershed state and local education agencies with meeting their watershed agreement environmental education commitments;
  b) Participate in a leadership summit meeting at least biennially, to share information about effective implementation strategies, discuss remaining challenges, and report on progress in

ED_004968_00009417-00002

achieving the Chesapeake Bay Watershed Agreement environmental literacy goals and outcomes.

c) Ensure adequate agency policies, staffing, and funding to meet the environmental literacy goal and outcomes under the Chesapeake Bay Watershed Agreement.

d) Host a leadership summit meeting or series of meetings with the community colleges, other higher education institutions and employers around the watershed to explore ways to better prepare students for the green jobs that are becoming an increasingly important part of our economy.

- **Maximize Use of Federal Funds:** Ensure that state plans submitted to the U.S. Department of Education for discretionary and formula funding under the ESSA incorporate environmental literacy plans, programs and initiatives to maximize use of these federal funds. These plans are due soon and action must be taken quickly.

- **Ensure Funding for Environmental Literacy Programs:** Advocate with the President and Congress to ensure sustained funding for environmental literacy under ESSA, NOAA's Chesapeake B-WET, and EPA's environmental education programs, and advocate with federal agencies who are currently developing their Fiscal Year 2017 budgets to include full funding for environmental education.

(2) <u>Crediting Oysters towards the Bay TMDL</u>

The CAC has closely followed the progress of the Chesapeake Bay Program's Oyster Best Management Practice (BMP) Expert Panel over the last year. Our members have received briefings by Bay scientists and closely reviewed the Panel's interim products and provided detailed comments on them to the CBP. We look forward to reviewing future products, including the efficiency estimates for credits within the TMDL with Oyster as BMPs.

The CAC has identified significant concerns about unintended consequences and policy implications of using oysters as in-water nutrient reduction BMPs. While we understand that oysters would be subject to the same verification as all other BMPs that are credited to the TMDL, we are concerned that resources and staff constraints limit the jurisdictions' ability to verify BMP implementation. Oyster verification would add a layer of complexity the states are likely not able to handle.

The Oyster BMP Policy workgroup decided that Oyster BMPs could be counted toward a total nonpoint source load allocation, we are concerned about the potential consequences of discouraging on-land stormwater management BMPs in favor of oyster plantings, which are a highly variable practice that is subject to mortality, especially considering the complications of implementing a robust verification protocol for oyster BMPs. It is much more effective, and preferable, to control nutrients before they enter our waterways, than afterwards. We urge very careful consideration of using oysters as BMPs for the TMDL and nutrient trading. Additionally, from the scientific analysis we received the amount of oysters that would need to be grown in an area to offset even 1% of the reductions would be practically unachievable.

ED_004968_00009417-00003

Recommended Action:

- **We urge caution in using oysters as BMPs for meeting the TMDL and nutrient trading.**

- **Continue to support federal and state collaboration and financial and programmatic assistance for oyster restoration projects and sanctuaries that are proving successful while helping to meet the Chesapeake Watershed Agreement outcome to restore native oyster habitats and populations in ten tributaries by 2025.**

(3) Engaging Locals in the Phase III Watershed Implementation Plans

As we have stated in the past, it is critical to engage local governments, communities and watershed organizations in protecting their local streams and rivers. This is key if we are to make the Bay Watershed TMDL and Chesapeake Watershed Agreement relevant and effective on the local level.

It is a critical time for the Bay Watershed TMDL as the partnership begins its review of progress toward meeting the nutrient and sediment reductions at the 2017 Midpoint Assessment of the 2025 goal. The Phase III Watershed Implementation Plan (WIPs) development is the opportunity to include new data, refined tools, and BMPs. The addition of the high resolution land use data will enhance our learning and understanding of local land use. The partnership is poised to utilize the best information and scientific understanding to date to fashion plans aimed at meeting the 2025 goals.

With the Phase III planning underway, we see this as an opportunity for states, local governments and stakeholders to talk about local needs and local conditions for clean water. From the findings of the 2015 Chesapeake Bay Stakeholder Assessment conducted by UVA and from conversations we have had throughout the watershed, local governments expressed that they want to know what is expected of them regarding the Bay Watershed TMDL and how to best implement those responsibilities. Developing local planning guides that outline expectations as a component of the Phase III WIPs will accelerate implementation by providing objectives for locals to focus their efforts and will engender productive discussions on how to get there and how to collaborate. Because many of the local actions are voluntary and outside the TMDL legal framework, it should be understood that local governments shall be held harmless if these local efforts prove insufficient. However, it is also understood that states are under legal mandate to achieve the TMDL reduction goals by whatever means they decide and some of those goals may require local action under state law.

Ultimately it is the states and DC that are accountable for meeting the Bay Watershed TMDL which is why there needs to be a road map for their local partners and federal facilities. This will greatly help Watershed citizens to have a reasonable assurance that the water quality goals will be met, as well as provide for better coordination, targeting of resources and adaptive management in the final Phase of the Bay Watershed TMDL.

Recommended Actions:

- **First, we believe language is important. In our view, the term "local area targets" connotes an enforceable, numeric goal that may not be acceptable to all stakeholders. We recommend the Bay Program clearly articulate exactly what "targets" mean. We prefer the**

use of the terms local area "guides" or "expectations" that lay out what is expected but holds the localities harmless if not reached.

- **We encourage EPA and the jurisdictions to clearly communicate the economic, quality of life, and environmental benefits of restoring local area rivers and streams and the opportunities for increased tourism and recreation for these local communities in addition to helping to restore the Bay.**

- **In coordination with local governments and stakeholders, the states and DC should develop communications strategies and forums that allow for honest dialogue and collaboration in creating local planning guides.**

- **Briefings we have received indicate how much additional effort will be required to achieve agricultural and urban reductions. Therefore, we urge the states to include soil and water conservation district representatives in the development of local area planning guides.**

- **Finally, we urge the Governors to make early contact with the new Presidential Administration to demonstrate their support for Chesapeake Watershed restoration. In particular, it is important to reach the leadership of the U.S. Department of Agriculture to assure support by Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) personnel in the states for agricultural conservation programs and state established priorities that are critical to watershed recovery.**

ED_004968_00009417-00005