



# Chesapeake Bay Restoration - Legislative Engagement

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MARK HOFFMAN

MARYLAND DIRECTOR

CHESAPEAKE BAY COMMISSION

# 1975



## **PASSED:**

US Senate Appropriations  
Committee charges EPA

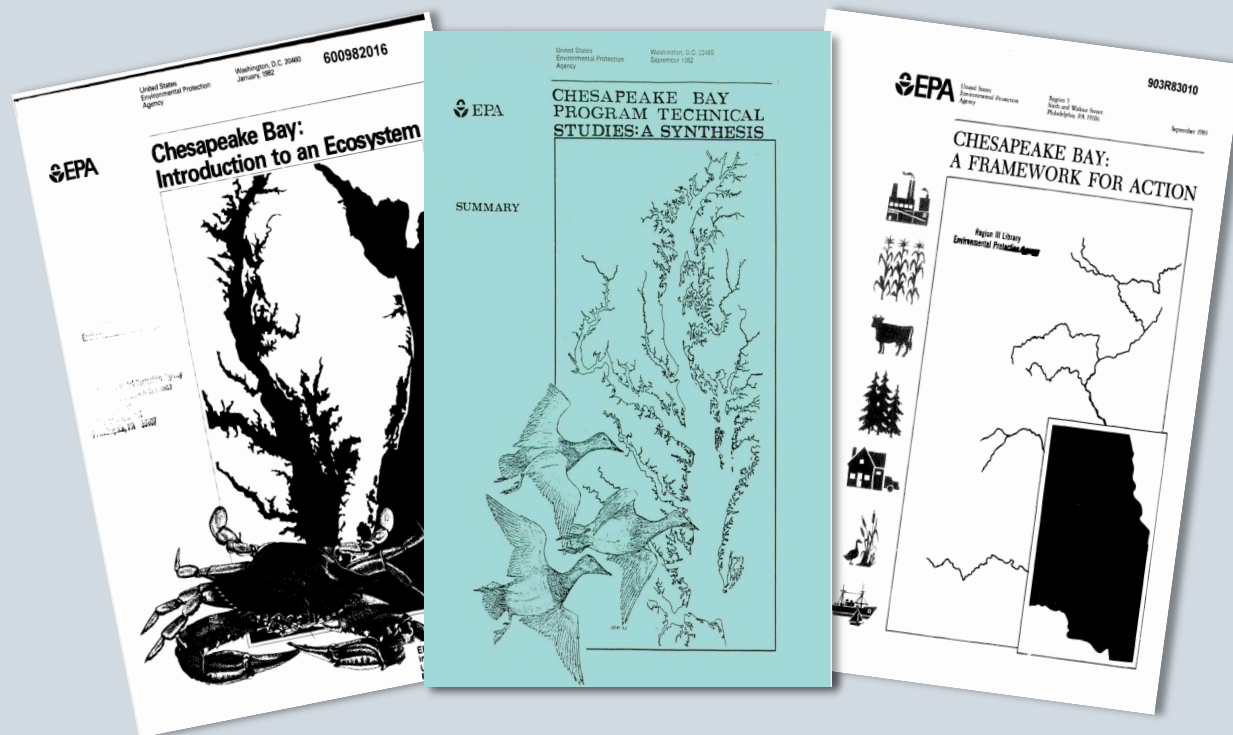
*“to conduct an in-depth study  
of the Chesapeake Bay which  
shall be applicable to other  
areas of the country.”*

Chief Sponsor

U.S. Senator “Mac Mathias, Jr. (MD)

# 1976

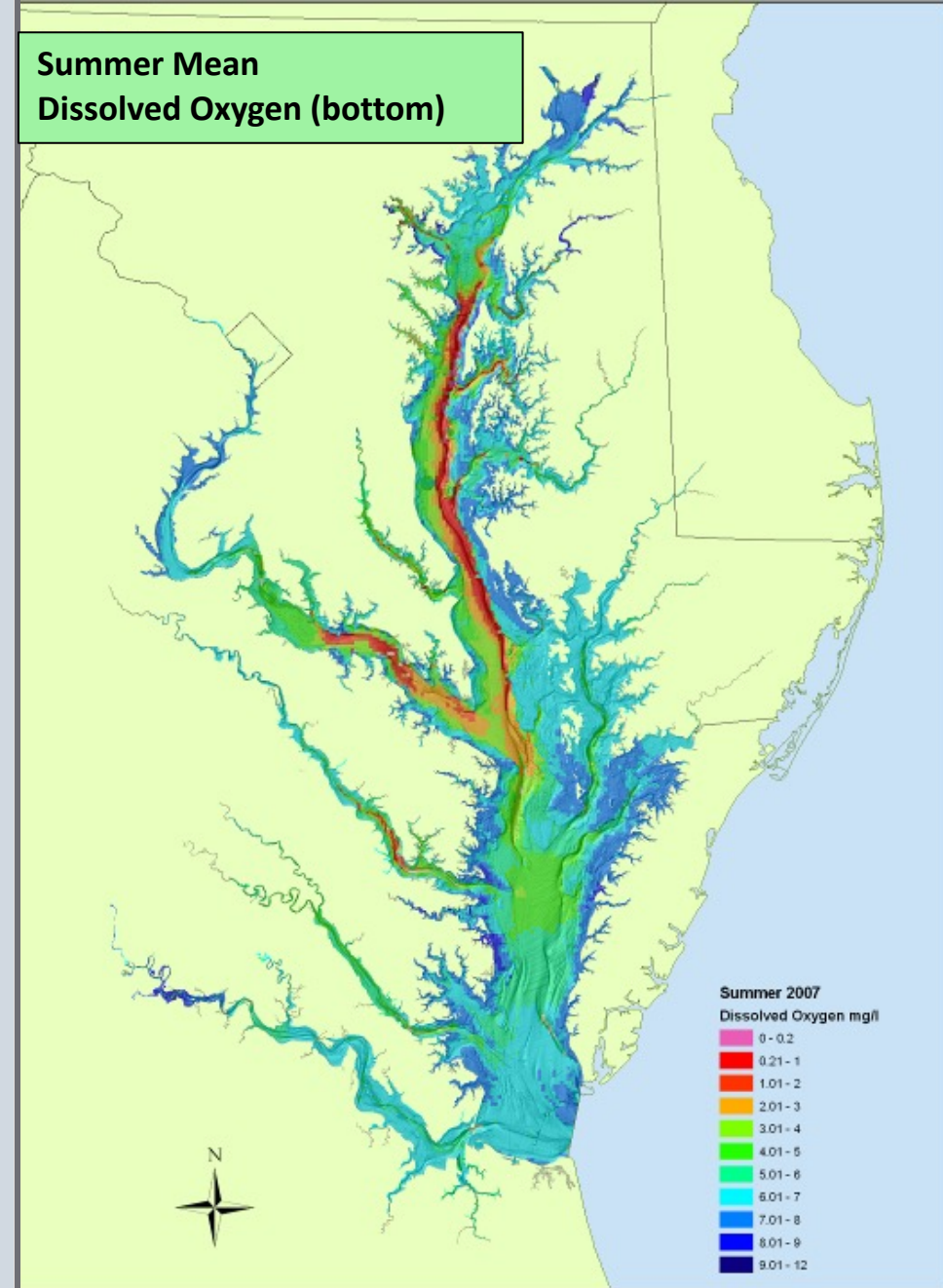
EPA launches Chesapeake six-year, \$27 million study focused on toxics, nutrients, and SAV.





## TROUBLING CONDITION

Low to no dissolved oxygen in the Bay & tidal rivers every summer & poor water clarity.







# 1978



**PASSED:**

Via legislation, Maryland and Virginia form the Commission's precursor, the Chesapeake Bay Legislative Advisory Commission, to begin a 2-year study.

Chairmen

Senator Joseph Gartlan, Jr. (VA)

Dr. Eugene Cronin (MD)

# 1980

## CHESAPEAKE BAY COMMISSION

**PASSED:** Bi-State Legislative Commission

Established by state laws in MD & VA

7 Members from each State

- 2 Senators & 3 House Members
- 1 Cabinet-Level Secretary
- 1 Citizen Representative

Facilitate intergovernmental coordination

Translate science and interstate issues into policy

Coordinate with Congress



# 1982 -1983



## **PASSED:**

CBC works to resolve the exclusion of watermen from fishing across state lines, and sponsors reciprocity legislation in 1983 in both Maryland and Virginia.

Chairman  
Senator Catherine Riley (MD)



# 1983

CBC contracted with Citizens Program for the Chesapeake Bay to conduct a conference, which resulted in major Chesapeake Bay Initiatives by Governors Robb, Hughes, Scranton and Mayor Barry.

Chairman  
Senator Joseph V. Gartlan, Jr.  
(VA)



First  
Chesapeake  
Bay Agreement



# 1985

**PASSED:**

Virginia & Maryland amend their laws and Pennsylvania passes legislation to join the Chesapeake Bay Commission as a full and equal partner.



Chairman  
Senator Joseph V. Gartlan, Jr.



# MARYLAND

# 1983 - 1987



## Major Environmental Legislation

- Critical Areas ('84)
- Phosphate Detergent Ban ('85)
- Sediment & Erosion Control ('80, '84)
- Stormwater Control Act ( '82-'86)
- Rockfish Moratorium ('85)
- Chesapeake Bay Trust ('85)
- Chesapeake Bay Fishing License ('85)



## VIRGINIA

# 1983 - 1987



### Major Environmental Legislation

- Water and Sewer Assistance Authority ('86)
- Water Facilities Revolving Fund ('86)
- Erosion and Sediment Control ('86)
- Phosphate Detergent Ban ('87)
- Dredged Material a Priority for Beach Nourishment ('87)

## PENNSYLVANIA

# 1983 - 1987



### Major Environmental Legislation

- Agricultural Non-point Source Abatement Program
- Agricultural Cost-Share Program (targeted 6 lower Susquehanna River Basin counties)



# 1987



**1987 Chesapeake Bay Agreement** commits to reduce nutrients, control growth and development and improve fisheries management and creates the Chesapeake Executive Council.

**PASSED**

**Section 117 Clean Water Act** makes EPA's participation a statutory responsibility.

Chairman  
Representative Kenneth J. Cole (PA)



# MARYLAND

# 1988 - 1999



## Major Environmental Legislation

- Striped Bass Mgmt. ('88)
- Agricultural Nutrient Management ('88)
- Sewage Treatment Plant Compliance ('90)
- Chesapeake Bay License Plate Fund ('90)
- Oil Spill Liability ('90)
- Forest Conservation ('91)
- Recreational Boat Pollution ('92, '94, '99)
- Brown Fields ('97)
- Smart Growth ('97)
- Rural Legacy ('97)
- Prohibition Hydraulic Clam Dredging ('98)
- Animal Waste Technology Fund ('99)
- Blue Crab Targets and Thresholds ('99)

# VIRGINIA

# 1988 - 1999



## Major Environmental Legislation

- Chesapeake Bay Preservation Act ('88)
- Pop. Growth & Devpmt. Commission ('89)
- Striped Bass Moratorium ('89)
- Ag Equipment Tax Credit ('90)
- Wetlands Enforcement ('90)
- Oil Spill Liability ('91)
- Chesapeake Bay License Plate ('92)
- Forestry Water Quality Law ('93)
- Nutrient Mgmt. Certification ('94)
- Blue Crab Fishery Mgmt Plan ('95)
- Agricultural Stewardship Act ('96)
- Ag BMP Tax Credit ('96)
- Water Quality Improvement Act ('97)
- Poultry Waste Mgmt. Act ('99)
- Land Conservation Fndn. & Fund ('99)

## PENNSYLVANIA

# 1988 - 1999



### Major Environmental Legislation

- Phosphate Detergent Ban ('89)
- Farmland Preservation Program ('89)
- Agricultural Nutrient Management ('93)
- Environmental Education ('93)
- Brownfields Program ('95)
- Clean & Green ('99)
- Growing Greener I ('99)



# Major Federal Offices & Policies 1983-1999



## Establishment of Federal Offices

- EPA
- NOAA
- Forest Service
- National Park Service

## Appropriations

- EPA
- USFWS
- USDA
- USGS

# 1990 -1992



1. Recreational Boat Pollution
2. Fish Passage
3. WQ Goals
4. Phytase
5. Oil Spill Immunity

Chairmen

Representative Kenneth J. Cole (PA)

Delegate W. Tayloe Murphy, Jr. (VA)

Senator Bernie Fowler (MD)

# 1992



CBC chairs the drafting effort to develop the **1992 Amendments to the Chesapeake Bay Agreement**, calling for basin-specific nutrient and sediment reduction strategies for the Bay's major tributaries.

Chairman  
Senator Bernie Fowler (MD)





# 1996- 2004

BBCAC  
Bi-State Blue  
Crab Advisory  
Committee

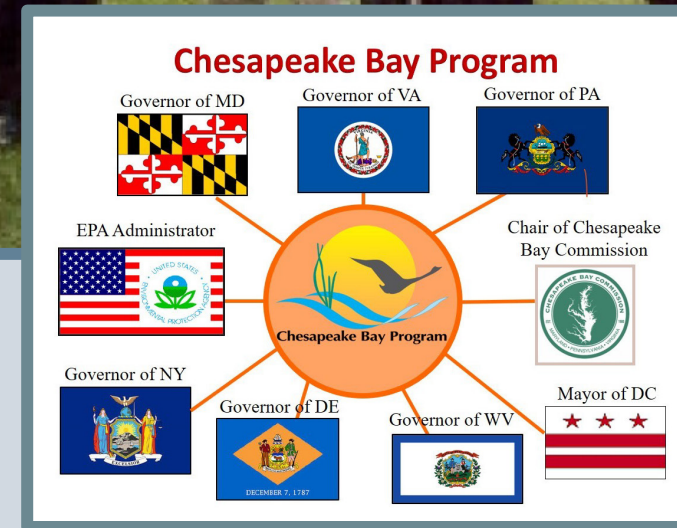


# 2000

## Chesapeake 2000

Marking the  
conclusion of an  
18-month drafting  
process

Chairman  
Senator Bill Bolling (VA)







# **PASSED:** Chesapeake Bay Watershed Initiative (CBWI)

\$188 million over  
5 years for farm  
conservation practices,  
which  
became \$288 million  
over 7 years





# State Legislation (2000-2014)



## Virginia

- Land Preservation Tax Credit ('00)
- Stormwater Program Consolidation ('05 & '13)
- Nut. Credit Exchange ('05)
- Major Point Source Upgrades ('05)
- Crab Dredging Ban ('08)
- Phosphate Detergent Ban ('08)
- Resource Mgmt. Planning ('11)
- Alternative On-site Sewage Systems ('11)
- Urban Lawn Fertilizer ('12)

## Pennsylvania

- MPC Omnibus Amdts. ('00)
- Growing Greener ('02)
- Chesapeake Bay Watershed Education Program ('04)
- Water & Wastewater Treatment Bond ('04)
- Manure Hauler & Broker Certification ('04)
- Growing Greener II ('05)
- REAP (Ag. Trans. Tax Credit) ('07)
- Phosphate Detergent Ban (08)
- H2O PA ('08)
- Stormwater Authorities ('14)

## Maryland

- Green Print ('01)
- Intro Non-native Species ('01)
- Smart Growth ('01)
- Bay Restoration Fund('04,'12)
- P Detergent Ban ('06,'11)
- Chesapeake and Coastal Bay Trust Fund ('07)
- Stormwater Management ('07)
- Clean Cars ('07)
- Forest Preservation Act ('08)
- Living Shorelines ('08)
- Septic Tanks ('09, '12)
- Lawn Fertilizer ('11)
- Stormwater Utilities ('12)
- Ag Certainty ('13)



# 2014

## Chesapeake Watershed Agreement

Chairman  
Rep. Ronald E. Miller (PA)



# State Legislation (2014-2020)

## Virginia

- Land Preservation Tax Credit ('00)
- Stormwater Program Consolidation ('05 & '13)
- Nut. Credit Exchange ('05)
- Major Point Source Upgrades ('05)
- Crab Dredging Ban ('08)
- Phosphate Detergent Ban ('08)

## Pennsylvania

- MPC Omnibus Amdts. ('00)
- Growing Greener ('02)
- Chesapeake Bay Watershed Education Program ('04)
- Water & Wastewater Treatment Bond ('04)
- Manure Hauler & Broker Certification ('04)
- Growing Greener II ('05)
- REAP (Ag. Trans. Tax Credit) ('07)
- Phosphate Detergent Ban (08)
- H2O PA ('08)
- Stormwater Authorities ('14)

## Maryland

- Microbeads in Personal Care Products ('15)
- Chesapeake Bay Awareness Week ('16)
- Oyster Stock Assessment ('16)
- POS Lock-Box ('16)
- Oyster Sanctuary Boundaries ('17)
- Farms and Families Act ('17)
- Clean Commerce Act('17)
- Organic Materials Recycling Act('17)
- Lawn Fertilizer Updates('18)
- Forest Conservation Study( '19)
- Oyster Restoration Tributaries -- Protection ('19)
- Oyster Management Planning('19) \*
- \*vetoed



# FOCUS ON FUNDING



Chesapeake Bay Commission • May 2017

## What the Congress Must Do to Address the President's FY 2018 Budget Shortfalls

Like never before, real progress is being seen in Chesapeake Bay restoration. Record acres of submerged aquatic vegetation, reduced areas of oxygen-starved water, and a burgeoning aquaculture industry are signposts that the state-federal partnership to restore the Bay is working. We are gaining momentum.

But the President's FY 2018 budget puts this risk. The critical federal support for the Bay would be slashed. Here is what Congress add to the President's budget to sustain success of Bay Restoration.

### ✓ 1 Fund EPA's Chesapeake Program at \$73 million

These monies maintain the federal partnership to restore the Bay. Program funds are used for the complex science, research, and monitoring efforts that the \$73 million allocated to the Chesapeake Bay Program support state restoration efforts. The \$12 million in State support is critical support for the Bay. The non-federal support is critical support for the Bay.



### CHESAPEAKE BAY COMMISSION • FEBRUARY 2018

## FEDERAL AGENCY BUDGET REQUEST

### FISCAL YEAR 2019

#### BUDGET REQUEST SUMMARY

Funding at national level unless noted; all dollar amounts in thousands (\$K).

- Interior, Environment, and Related Agencies
  - EPA: Chesapeake Bay Program: \$73,000K
  - EPA: Nonpoint Source (Sec. 319) Grants: \$179,915K
  - EPA: Pollution Source (Sec. 106) Grants: \$1,394,000K
  - EPA: Clean Water State Revolving Loan Fund: \$400,000K
  - DOI-Land and Water Conservation Fund (all agencies): \$400,000K
  - DOI-USGS: Regional & Crosscutting Activities — Chesapeake Bay: \$12,600K
  - DOI-USFWS: Cooperative Landscape Conservation — Chesapeake Bay: \$13,375K
  - DOI-NPS: Chesapeake Bay Gateway Conservation: \$2,000K
  - USDA-Forest Service: Forest Stewardship and Trails Program: \$20,036K
- Energy and Water Development
  - USACE: Construction — Chesapeake Bay Environmental Restoration and Protection (Sec. 510): \$5,000K
  - USACE: Construction — Chesapeake Bay Dyster Recovery, Restoration and Protection (Sec. 510): \$36,250K
  - USACE: Construction — Poplar Island: \$9,000K and Emergency Ecosystem Restoration (Sec. 206) \$9,000K and \$5,000K.
- Commerce and Justice, Science, and Related Agencies
  - NOAA-NMFS: Regional Councils and Fisheries Commissions: \$35,871K
  - NOAA-OAR: National Sea Grant Program: \$65,000K
- Agriculture, Rural Development, Food & Drug Administration
  - USDA-NRCS: Conservation Programs: \$768,844K
  - USDA-NRCS: Conservation Programs: \$768,844K

### Federal Investments Are Working

LIKE NEVER BEFORE, REAL PROGRESS IS BEING seen in Chesapeake Bay restoration. Record acres of submerged aquatic vegetation, reduced areas of oxygen-starved water, and a burgeoning aquaculture industry are signposts that the state, federal and legislative partnership to restore the Bay is working. We are gaining momentum.

But continued success depends on maintaining the mutualism of funding among federal, state and local governments, the myriad of non-governmental agencies that support the Bay and private citizens. And the dedication of the Bay's Congressional delegation has been steadfast in providing both the policy and financial and living resources.

As Congress begins deliberations on the FY 2019 federal budget, the Chesapeake Bay Commission believes it important to detail in numbers and narrative the federal funding needed to support the Bay.

### Who We Are and What We Do

The Chesapeake Bay Commission is a tri-state legislative Commission with members from Maryland, Pennsylvania and Virginia. We work at all levels of government. We work primarily of state level. We work primarily of state level. We work primarily of state level.



### CHESAPEAKE BAY COMMISSION • MARCH 2019

## FEDERAL AGENCY BUDGET REQUEST

### FISCAL YEAR 2020

#### Commission Priority Increases

- Environmental Protection Agency: Geographic Programs — Chesapeake Bay: \$90,000K**  
(FY 2019 level \$73,000K)  
These monies maintain the nucleus of the Federal-state partnership to restore the Bay. Program funds are used to coordinate the complex science and monitoring efforts that drive the restoration.  
As we near the 2025 deadline, both the challenge and urgency of our work grows. New research on the nutrient flows through the Conowingo Dam amplify the need for pollution reductions, but we lack funding for implementation at the scale required. Priority areas are: 1) small watershed and innovative practices grants; 2) local government implementation; and 3) state-based targeted and cost-effective solutions. Current programs are significantly over-subscribed and highly leveraged. We are in the final phase and within sight of delivering clean water.
- National Park Service: Chesapeake Bay Gateways and Trails Program: \$3,000K**  
(FY 2019 level \$2,000K)  
This program provides assistance for connecting people with the heritage of the watershed. The increase will: 1) develop a core set of "visitor hubs" to expand Chesapeake tourism; 2) increase programming and projects that get children and visitors outside; and 3) advance Chesapeake conservation and access goals.
- US Army Corps of Engineers: Construction — Chesapeake Bay Environmental Restoration and Protection (Sec. 510) \$5,000K**  
(FY 2019 level \$0K)  
The Chesapeake Bay Comprehensive Roadmap for investment in the Under Secretary of the Interior Section of the Department of the Interior.

### THE RESTORATION OF THE CHESAPEAKE BAY WATERSHED IS AT A CRITICAL JUNCTURE.

Positive signs of recovery have emerged across the watershed, proving that the collaborative effort is working. After three decades, we are more than half way to achieving the shared goal of clean water by 2025. But to complete the job, more resources must be brought to bear.

The Bay's Congressional delegation has been steadfast in its commitment to restore the watershed and its resources. Continued success depends on maintaining, and in some cases enhancing, the Federal funding that provides the catalyst for the restoration efforts. Each Federal dollar spent leverages three more from state, local and private partners. Between now and 2025, we all need to "double-down" on our commitment and capacity.

As Congress begins deliberations on the FY 2020 Federal budget, the Chesapeake Bay Commission offers this report to pinpoint the Federal funding required. We have highlighted opportunities where targeted increases will advance our work (see box at right).





# THE CHESAPEAKE BAY RESTORATION

## *A History of Key Events*

1960s



2025

- 1960s-70s Visible decline in Bay resources
- 1976-1982 EPA conducts 5-year Bay study
- 1980 **Chesapeake Bay Commission established**
- 1983 First Bay Agreement - Bay Program created
- 1987 Second Bay Agreement – WQ Goals: 40% reduction
- 1992 Amendments to Agreement – Tributary Strategies
- 2000 Third Bay Agreement – Water Quality Focus
- 2008 Acknowledged regulatory approach (TMDL) needed
- 2009 Presidential Executive Order 13508
- 2010 Chesapeake Bay TMDL established
- 2014 Fourth Bay Agreement – Verification & Accountability
- **2025 TMDL to be achieved – 100% of practices in place**



# Questions?