NY and the Chesapeake Bay
New York and the Chesapeake Bay – a review of the issue at hand

The “Chesapeake Bay Program” (CBP) is a multi-state/federal partnership that has been working toward restoring the Chesapeake Bay since 1983. Although the program has made great efforts, continued water quality impairments within the Bay led the EPA and the states to the list over 90% of the Bay tidal waters as “impaired” due to low dissolved oxygen levels and other problems related to nutrient pollution.

The EPA, as a result of a law suit, will require a Total Maximum Daily Load (TMDL) for the Chesapeake Bay in 2011. To avoid this regulatory TMDL, the Chesapeake Bay Program voluntary partnership has committed to correct all nutrient and sediment problems in the Chesapeake Bay and its tidal tributaries sufficiently to remove it from the list of impaired waterbodies under the Clean Water Act by 2010. This is a unique opportunity to test a voluntary approach to a regulatory necessity.

The Chesapeake Bay Program defined the water quality conditions necessary to protect aquatic living resources (through Chesapeake Bay water quality criteria for dissolved oxygen, chlorophyll a, and water clarity). The Program then assigned load reductions for nitrogen, phosphorus, and sediment needed from each tributary basin to achieve the necessary water quality. The Susquehanna River contributes 50% of the fresh water to the Bay.

New York’s Approach

In 2000, Governor Pataki, through a Memorandum of Understanding, joined executives from the other Chesapeake Bay Watershed states and the federal government in agreeing to

- “Work cooperatively to achieve the nutrient and sediment reduction targets that we agree are necessary to achieve the goals of a clean Chesapeake Bay by 2010, thereby allowing the Chesapeake and its tidal tributaries to be removed from the list of impaired waters.
- Provide for an inclusive, open and comprehensive public participation process.
- Collaborate on the development and use of innovative measures such as effluent trading, cooperative implementation mechanisms, and expanded interstate agreements to achieve the necessary reductions.”

New York State Department of Environmental Conservation has the lead role in developing an action plan to address this issue. The Upper Susquehanna Coalition (USC) will be helping with the process by informing all stakeholders about this issue, facilitating stakeholder understanding through outreach efforts and challenging all involved to help through an Outreach Support Group. Additionally the USC will support DEC by facilitating a scientific basis for strategy development through a Scientific Support Group and providing input and advice through a Strategy Development Advisory Group.

The Numbers

1. Phosphorus loads delivered to the Bay from NY presently average about 970,000 pounds/year. The target or cap load allocation is 590,000 pounds/year. Major land use sources include urban runoff and sewage treatment plants (48%) and agriculture (56%).
2. Nitrogen loads delivered to the Bay from NY presently average about 19,100,000 pounds/year. The target is 12,580,000 pounds/year. Major land use sources include forests (26%), urban runoff and sewage treatment plants (28%) and agriculture (45%).

3. Detailed and extensive information can be obtained on the web at http://www.chesapeakebay.net/tribtools.htm

Who’s who in the Chesapeake Bay – a short description of organizations you may encounter

1. Chesapeake Bay Program (CBP) – A partnership of Pennsylvania, Maryland, Virginia, Washington D.C, the Chesapeake Bay Commission, and the Federal Government that was created to restore the Chesapeake Bay. In 2000, New York, along with Delaware and West Virginia, joined the partnership in committing to meet the nutrient and sediment reduction targets necessary to remove the Bay from the list of impaired waters. The federal government provides staff from the EPA, Forest Service, Fish and Wildlife Service and Park Service. The CBP has developed the cap load allocations. It has no regulatory functions. Its main office is in Annapolis, MD. Web Site: http://www.chesapeakebay.net

2. Chesapeake Bay Foundation (CBF) - The Chesapeake Bay Foundation is a non-profit organization dedicated to Bay restoration efforts. It supports educational outreach, provides funding for agricultural best management practices and currently is taking legal action to require reduction in. It has no regulatory functions. Its main office is also in Annapolis, MD. Web Site: http://www.cbf.org

3. The Alliance for the Chesapeake Bay (ACB) - The Alliance for the Chesapeake Bay is a regional nonprofit organization that builds and fosters partnerships to protect and to restore the Bay and its rivers. The Alliance does not lobby or litigate. It produces the Bay Journal for the CBP, which covers a wide range of issues covering the Bay. It has no regulatory functions. Its main office is in Baltimore, MD. Web Site: http://www.acb-online.org

4. Upper Susquehanna Coalition (USC) – Established in 1992, this organization is a network of county natural resource professionals. Comprised of members from 11 counties in New York and 3 in Pennsylvania, the USC has partnered with local, regional, state, federal, academic and non-governmental organizations to conduct nonpoint source implementation projects in the Susquehanna Headwaters. It has no regulatory functions. Its main office is in Owego, NY. Web site: http://www.u-s-c.org

5. Susquehanna River Basin Commission (SRBC) –Established in 1970, this is an interstate compact commission working on water quality and quantity issues in the Susquehanna River Basin in New York, Pennsylvania, and Maryland. Programs include water quality monitoring, assessment, restoration, and protection activities. SRBC regulates water withdrawal and consumptive uses through a permit and fee process. Its main office is in Harrisburg, PA. Web Site: http://www.srbc.net

6. Environmental Protection Agency (EPA) - This is a large federal agency that has many roles, responsibilities and regulatory authorities. Its main office is in Washington, D.C. Web Site: http://www.epa.gov

7. New York State Department of Environmental Conservation (DEC) - This is a New York State agency that has many roles, responsibilities and regulatory authorities. Its main office is in Albany. Web Site: http://www.dec.state.ny.us
A summary of how the Upper Susquehanna Coalition (USC) will provide support to the NYS Department of Environmental Conservation

1. Charge and Tasks: Outreach Support Group

Objective
Support the Strategy Development Advisory Group by providing an accurate and consistent message that informs watershed stakeholders of the goal of the tributary strategy, the roles of those involved and the status of strategy development, and soliciting input and feedback, thereby encouraging stakeholder participation and acceptance.

Charge

- Develop a list of stakeholder contacts for each phase of the strategy development and implementation (begin with those who should be aware of the issues early, such as local elected officials, municipal officials, conservation, business and farm groups, Water Quality Coordinating Committees.)

- Develop an outreach strategy, subject to USC and DEC approval.

- Identify issues of potential or actual public misunderstanding and suggest improvement to fact sheets, websites and presentation materials that have already been prepared.

- Develop additional materials for the target audiences, as needed.

- Use or adapt educational materials from NYS AEM and NPSCC’s Stormwater Outreach committees when they meet CBP/USC’s needs.

- Encourage stakeholders to participate through all phases of strategy development and implementation.

- Solicit input on the spectrum of potential practices to achieve load reductions and improve local water quality; gather feedback on the acceptability of voluntary or regulatory approaches recommended by the SDAG.

- Develop a simple process for tracking and evaluating outreach efforts.

- Bring issues raised by local constituencies back to the SDAG.
2. Charge and Tasks: Scientific Support Group

Objective

Support the SDAG by providing sound scientific advice on assessing needs and options for achieving nonpoint source load reductions, substantiating management measures and evaluating the effectiveness and costs of the measures that may be implemented to reduce nutrient and sediment loads.

Charge

- Review the CBP watershed model to identify how it portrays conditions in New York that affect the generation of nutrient and sediment loads, and recommend how more accurate baseline information would alter the load estimates.

- Work with the OSG to recommend practical procedures for gathering more accurate local information for input to the CBP watershed model and to guide local actions.

- Review updates to the CBP watershed model and recommend refinements that would more accurately reflect load generation and transport in New York.

- Evaluate the management practices recognized in the CBP watershed model and provide guidance on applicability to New York conditions, and ancillary local benefits beyond nutrient and sediment reduction.

- Review previous and ongoing water quality monitoring, and advise on how monitoring should be enhanced to better define sources of nutrients and sediments, and estimate loads.

- Develop a strategy for defining return on investment starting with information on how local site conditions affect the costs attributed to practices by the CBP.

- Recommend procedures for targeting where specific practices would be most cost-effective given a suite of local site conditions.

- Provide technical support to the NYSDEC in gaining CBP acceptance for additional, innovative practices that are well suited to conditions in the watershed.
3. Charge and Tasks: Strategy Development Advisory Group

**Objective**
To provide recommendations to the NYSDEC on development of the New York tributary strategy in concert with Governor Pataki’s agreement to work cooperatively to reduce nutrient and sediment as necessary to achieve the goal of a clean Chesapeake Bay by 2010; provide for an inclusive, open and comprehensive public participation process; and, collaborate on the development and use of innovative measures. Additionally, the SDAG should recommend how NYSDEC and local partners can build upon the success of the Watershed Restoration and Protection Action Strategy (WRAPS) for the Susquehanna and Chemung River Basins so that the tributary strategy can be coordinated with and supported by the effort to address local water quality concerns.

**Charge**
- Assist USC and NYSDEC in soliciting a broad range of representation and focusing local input on issues that advance the strategy development while enhancing and implementing the Watershed Restoration and Protection Action Strategy where appropriate.

- Incorporate information and feedback from the Outreach Support Group and Scientific Support Group into its consideration of issues and recommendations to NYSDEC on development of the tributary strategy.

- Review approaches to collecting local information on land use, activities and existing management practices and advise NYSDEC and USC on their local acceptability.

- Provide information and feedback to the USC and NYSDEC during the initial assessment of the magnitude of increased NPS pollution abatement necessary to meet the Chesapeake Bay Program cap loads.

- Provide input on locally acceptable load reduction alternatives from traditional nonpoint sources, including specific conditions applicable to particular BMPs, for NYSDEC consideration for inclusion in the tributary strategy.

- Identify reduction measures, projects and practices that would result in local benefits to water or other natural resources, or quality of life

- Consider costs of BMPs (specific to area and relative to each other).

- Identify possible funding from various levels of government and other public, as well as, private sources.

- Provide initial review of draft alternatives and suggest refinements.

- Coordinate local review and comment on the NYSDEC draft tributary strategy with the Outreach Support Group.

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