

## *New Ideas to Improve the Chesapeake Bay:* **BAYSTAT**

### **Introduction**

The Chesapeake Bay is a national treasure that Marylanders have enjoyed for centuries. Improving the health of the Bay is one of the State of Maryland's most important responsibilities. In 2000, regional leaders signed the Chesapeake 2000 Agreement calling for the creation of plans to restore the Bay by 2010 including river-specific tributary strategies for the 36 major basins in the Chesapeake Bay watershed. Each year the Chesapeake Bay Foundation (CBF) publishes an annual *State of the Bay* report that analyzes and scores the relative health of the Bay across three major categories and a dozen specific indicators<sup>1</sup>.

POLLUTION	HABITAT	FISHERIES
Nitrogen/Phosphorus	Forested Buffers	Rockfish
Dissolved Oxygen	Wetlands	Oysters
Water Clarity	Underwater Grasses	Crabs
Toxics	Resource Lands	Shad

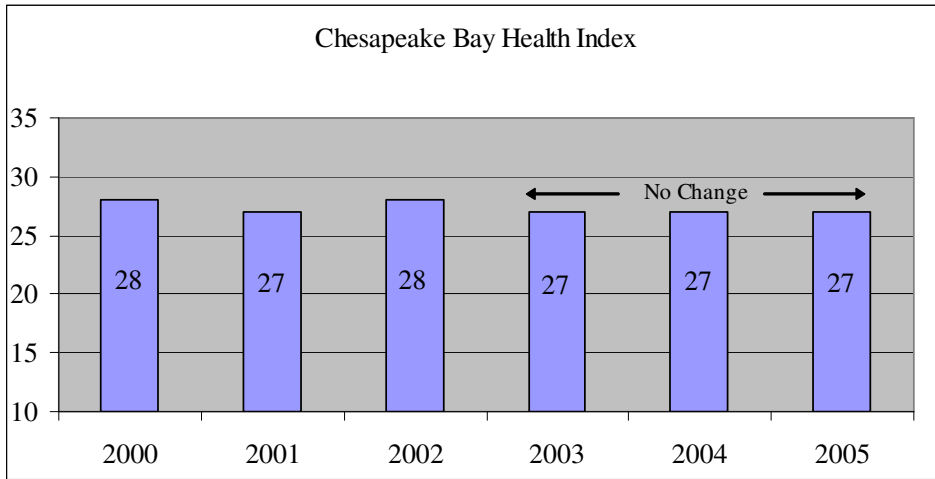
“To its credit, the Bay Program has made significant strides in developing over 100 different measures of progress, publishing dozens of reports on the state of the bay, and creating several documents that lay out strategies for fulfilling commitments outlined in Chesapeake 2000 that are intended to move the Bay Program closer to meeting the overall restoration goals. However, despite the extensive efforts that have gone into managing the restoration program, the lack of (1) integrated approaches to measure overall progress, (2) independent and credible reporting mechanisms, and (3) coordinated implementation strategies is undermining the success of the restoration effort and potentially eroding public confidence and continued support. We believe that the combined impact of these deficiencies has already resulted in a situation in which the Bay Program cannot effectively present a clear and credible picture of what the restoration effort has achieved, what strategies will best further Chesapeake 2000's restoration goals, and how limited resources should be channeled to develop and implement the most effective strategies.”

Government Accounting Office, October 2005<sup>2</sup>

<sup>1</sup> [http://www.cbf.org/site/PageServer?pagename=sotb\\_2005\\_index](http://www.cbf.org/site/PageServer?pagename=sotb_2005_index)

<sup>2</sup> <http://www.gao.gov/new.items/d0696.pdf>

The Bay's Health Index score bottomed out at 23 in 1983. Between 1983 and 2000 the Bay's Health Index score climbed to 28, dipped to 27 in 2001, and then rose again to 28 in 2002 before dropping to 27 in 2003. Over the last 3 years, the score has remained at 27 with Bay's Health Index showing no improvement over the last three years. At the 2005 level of 27, CBF rates the Bay as "Dangerously Out of Balance." CBF's goal is to move the Bay to a Health Index score of 40 by 2010 into the "Improving" category.



Each year, over 280 million pounds of nitrogen and 20 million pounds of phosphorous enter the Bay from run-off, wastewater facilities, power plants, and other sources, representing more than seven times the nutrient levels seen prior to modern development. This over-fertilization jeopardizes the Bay's ability to support life, stressing important marine resources and negating many of our restoration efforts. Furthermore, there is growing concern that the increased frequency of tropical storms and weather disturbances in the region will put the Bay's ecosystem at even greater risk.

Under the leadership of former Governor Glendening, critical steps were taken to improve the health of the Bay, most importantly the embracing of Smart Growth planning and development principles and the undertaking of real and sustained investment in preserving open space. Even under Governor Ehrlich, some steps have been taken through initiatives such as the Bay Restoration Act, but these efforts have failed to measurably improve the health of the Bay. In truth, commitment to the restoration of the Bay needs to be comprehensive. Governor Ehrlich claimed victory when he announced the needed, but long overdue, investment in sewer system upgrades – yet these plants are the source of less than one-quarter of Bay pollution.

Just in the past week, the Natural Resources Defense Council reported that Maryland ranks in the top 10 of states with the most periodically contaminated beaches. This unenviable distinction comes on the heels of reports that in 2005, Maryland beaches, mostly around the bay, were closed or posted with advisories more than at any of the prior four years.<sup>3</sup>

Maryland and the Chesapeake Bay can and must do better.

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<sup>3</sup> See *The Sun*, August 4, 2006



## Instituting BayStat

Martin O'Malley and Anthony Brown want to put the Bay back on the road to recovery and accelerate its improvement. To do so, O'Malley and Brown propose to institute BayStat, a new tool to monitor and gauge the health of the Bay that will use techniques gleaned from Baltimore's successful CitiStat program to bring accountability and responsiveness to the State's work in improving the health of the Bay.

The initiative will be designed to ensure that the State is maximizing its opportunities to measurably improve the health of the Bay. BayStat will marshal the collective resources of the State's departments of Agriculture, Environment, Natural Resources, Planning, and Budget and Management to ensure the most effective coordination of Smart Growth and open space planning efforts, enforcement of rational environmental policies, the commitment of sustained financial investment, and the promotion of efforts to educate the public about how they can help the Bay every day.

Utilizing pre-existing measures of the Bay's health, restoration, and protection efforts<sup>4</sup>, including the river-specific tributary strategies for the 36 major basins in the Bay watershed developed as part of the Chesapeake 2000 Agreement, as well as working with stakeholders such as the Environmental Protection Agency's Chesapeake Bay Program Office, BayStat will monitor, measure, and regularly provide a public accounting of the totality of the State's efforts on behalf of the Bay. This information will help guide the State in developing more effective and targeted strategies to measurably improve the health of the Bay.

While BayStat's more effective coordination of the State's Bay-related efforts will help achieve some measurable results, BayStat will also be charged with helping to formulate new initiatives aimed at accelerating the Bay's recovery, including:

***Protect and expand Program Open Space (POS) funding.*** While a percentage of the State real estate transfer tax is supposed to go into a special fund for POS, over the last four years Governor Ehrlich diverted more than \$450 million in POS money to other purposes. Martin O'Malley and Anthony Brown will work to protect and expand POS funding to maximize these investments that play such a critical role in providing protective buffers, reducing runoff, sustaining wetlands and underwater grasses, and curbing uncontrolled growth. Land preservation is an especially important part of our restoration efforts – the Chesapeake Bay watershed has the largest land-to-water ratio of any body of water in the world. How we treat the land directly impacts the quality of our water resources and the richness of marine life.

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<sup>4</sup> <http://www.chesapeakebay.net/indicators.htm>

***Influence local government decisions by linking State POS investments to policies that more effectively manage growth and conserve open space and working farms.*** Currently, POS funds are formula-driven, equally divided between the State and local governments. Allocation of the local share among Maryland counties is based on population, projected population, and “other factors as deemed desirable.” Almost unbelievably, the environmental benefits of particular projects are not given any consideration. Martin O’Malley and Anthony Brown will develop new criteria for State and local POS funding that factor in and reward POS project requests with the greatest environmental benefits. It is only reasonable that the citizens of Maryland expect to see a return on their restoration investments. Furthermore, there is no mystery about the measures of successes – we need to see improved water quality, reduced nutrient levels, and increased forest conservation and restoration or we will lose a national treasure. Jurisdictions demonstrating the commitment, ingenuity, and initiative to achieve tangible and cost-effective progress, specifically in POS investments, nutrient management programs, and storm water drain improvements, should be encouraged to do more.

***Publish an annual Bay Budget.*** Budgets are the clearest statements of government’s priorities and should provide a detailed and easy to understand accounting of the totality of investments across multiple agencies as well as the operating and capital budgets. In the case of Maryland’s State government, there are a myriad of agencies involved in Bay-related efforts. As part of the State’s annual budget process, the Department of Management and Budget will publish a separate Bay Budget that itemizes all Bay-related investments. This accounting will allow policymakers and advocates to more clearly track and understand the State’s commitments to the Bay. In addition, an annual Bay Budget will allow for greater transparency and predictability that will help foster better planning and long-term investments in environmentally-friendly farming practices.

***Create a Baywide body to coordinate species management and restoration efforts.*** Any future gains in restoring and expanding the Bay’s populations of blue crabs, oysters, and shad will be contingent upon successful efforts to coordinate policies and actions between critical stakeholders. Martin O’Malley and Anthony Brown will work with local and regional partners to formulate sensible and sustainable strategies to guide species management and restoration efforts.

First, the principal custodians of the Bay - Maryland and Virginia – need to show more cooperation and less competition. Together we should follow the model of the Potomac River Fisheries Commission and engage in meaningful bi-state coordination. As regional partners, we need to move beyond the formation of joint advisory commissions and commit to action-oriented government – sharing the responsibilities for the rule-making and policy decisions that will save the living resources of the Bay, including agreeing to more aggressive goals for nutrient management plan compliance and storm water controls.

Second, the Chesapeake Bay Commission needs more involvement from the non-signatory states (New York, Delaware, and West Virginia). These “headwater” states have a crucial role in the restoration effort. Partnering with these states in an appropriate way will increase the political clout of the region in Washington, DC without diminishing the leadership role of the signatory states (Maryland, Virginia, and Pennsylvania).

***Accelerate the upgrade of sewage treatment plants and systems Baywide.*** Efforts are currently underway to upgrade the State's largest wastewater treatment plants as well as sewer and septic systems. Martin O'Malley and Anthony Brown will explore options to accelerate this critical work and the realization of the corresponding benefit of reducing nitrogen pollution reaching the Bay by offering local jurisdictions incentives for the early completion of projects. Under the current administration, seventy-two percent (48 out of 66) of the sewage treatment facilities in the restoration program have not even entered the design phase for improvements. We don't have time to wait.

Moreover, there needs to be a concentrated effort to bring the best technology to Maryland. The most advanced biological nutrient removal (BNR) systems are twice as effective as the conventional systems. Currently, there is only one treatment facility in Maryland equipped with an enhanced nutrient removal (ENR) system – the most effective process for treating sewage.

***Increase Maryland's match to the Chesapeake Bay Program water quality monitoring budget contingent upon complying with an independent reporting process, as called for by the GAO.*** The current assessment regime is inadequate in tracking the fluctuation in the Bay's vital signs. Not only is it increasingly difficult to enforce regulatory standards with imprecise data collection methods, realistic goals for nutrient reduction need to be based on the best science available. Increased monitoring funding will support the hiring of research analysts, the procurement of water-borne towing equipment, and the installation of permanent buoy devices.

***Publicize how individuals can help protect the Bay every day.*** Too few people know that there are simple strategies that every Marylander can practice to help save the Bay. Leaving grass clippings on your lawn, planting trees and shrubs, and recycling toxic products such as used automotive oil are just a few of the easy steps citizens can take to do their part in helping improve the health of the Bay. Under Martin O'Malley and Anthony Brown, these are the types of public education campaigns State government will undertake.

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