Chesapeake Bay Region
State Agricultural Leadership

August 5, 2022

Adam Ortiz, Regional Administrator
EPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Chesapeake Bay Program Partnership Priorities

Dear Administrator Ortiz,

Upon reflection of the progress of our farms and jurisdictions toward the Chesapeake Bay clean-up goals and recent unfavorable review of the Chesapeake Assessment and Scenario Tool from 2021 (CAST21), including the most recent proposal to correct CAST19, we are growing increasingly concerned about the direction of the Chesapeake Bay Partnership, but we see opportunities to improve.

Our agencies have dutifully implemented and verified best management practices, contributed to groundbreaking modeling for the watershed, and reported and recorded our progress for the public. Unfortunately, the assessments of our hard work seem mixed. Monitoring trends are improving for impaired tributaries, and phosphorus and sediment estimates across the watershed do provide optimism that our collective efforts are working. There are also improvements in nitrogen loadings across various sectors. The news out of the Chesapeake Bay Program Office (CBPO) is, however, less than encouraging. When emerging science and new information, in the case of climate change and the impact from the Conowingo Dam, prompted additional levels of commitment – we rose to the occasion. For the semi-regular input of additional datasets to then cause great swings in calculated loads when we are well into our plan presents mixed messages that are quite discouraging for our farmers. Continued confusion could erode confidence and trust between cooperating parties and the science we rely upon to guide our investments.

As such, we would like to request a concentrated dialog with the U.S. Environmental Protection Agency (EPA) to stem the tide of confusion and open a clear channel of communication to reflect our progress, programs, policies, and challenges.

We trust estimates that suggest agriculture has contributed significantly to reducing runoff and nutrient contamination. However, our best science seems to be losing momentum in acquiring large datasets without proper vetting and ground-truthing like the poorly implemented and highly variable fertilizer sales data applied to our crops, and now turf. Frustratingly, the models that process all this information seem at odds with the water quality improvements we have observed since 2011. To correct this, we suggest illustrating progress utilizing real numerical water quality monitoring data more prominently by shifting an emphasis from model improvements to monitoring efforts and committing to building a better understanding of the ties between land use and water quality of our local streams and rivers. This has the added benefit of focusing our efforts on places of need accurately at the right time and in the correct sector. In addition, the proposed correction of CAST19 and the rollout of CAST21 should be paused until the fertilizer numbers have been fully vetted by expert workgroups and a clear plan of action has been established.

We suggest some procedural refinements to improve the cooperative federalism that drives the Bay Partnership. New best management practices protocols for effectiveness estimates (through science panels) and verification strategies are hindering progress with excessive bureaucratic processes. Our jurisdictions need the assistance of the CBPO to overcome hurdles in evaluating our practices for water quality value. Even more burdensome is the recounting of practices for which we have a tacit understanding that they are still on the landscape and functioning, simply because of a CBPO practice to remove these practices from the model based on an arbitrarily chosen date for lifespan duration. Continually losing implementation credit to expiration dates while keeping up with an annual accounting and biennial programmatic forecast/report combination is taxing our farmers and growers, wasting valuable time that could be better spent implementing practices to improve actual (not estimated) water quality. A strategic refocus on these priorities through a foundation of trust between government at all levels should greatly increase efficiencies in time, effort, and money.

Finally, we would like to request a course correction in funding. The CBPO has enjoyed some significant increases in investment amid support from Congress, but large increases have not consistently resulted in large growths in implementation. Well-documented needs in existing programs and systemic issues like availability of technical assistance providers in agriculture are increasing in severity in times of record spending. The National Fish and Wildlife Foundation (NFWF) has enjoyed significant patronage from EPA Region 3. This has forced competition for funding routine implementation requirements, such as advanced nutrient management systems, with oversight from trusted agencies against blind searches for innovative practices and non-

governmental organizations without routine, ongoing accountability. For example, there is no current requirement that NFWF report implementation data to either the federal or state BMP tracking systems. We are past time to expect to find a miraculous solution for our pollution problem and can guarantee that additional funding in our accepted Watershed Implementation Program strategies will be much more fruitful.

Given our unified voice on these issues, we expect an audience and agenda on these topics with you and CBPO leadership to be of monumental importance toward our goals. Together we can reestablish cooperation, communication and trust while realigning our goals on Chesapeake Bay.

Sincerely,

Michael T. Scuse, Secretary
Delaware Department of Agriculture

Russell C. Redding, Secretary
Pennsylvania Department of Agriculture

Joseph Guthrie, Commissioner
Virginia Department of Agriculture

Joseph Bartenfelder, Secretary
Maryland Department of Agriculture

Kent A. Leonhardt, Commissioner
West Virginia Department of Agriculture