

Committee on Resources

resources.committee@mail.house.gov

[Home](#) [Press Gallery](#) [Subcommittees](#) [Issues](#) [Legislation](#) [Hearing Archives](#)

TESTIMONY OF: C. RONALD FRANKS, SECRETARY MARYLAND DEPARTMENT OF NATURAL RESOURCES

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE
AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ANNAPOLIS, MD

DECEMBER 13, 2004

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify at this hearing on an issue that is of critical importance to the State of Maryland.

Maryland as a Leader in Bay Restoration

The State of Maryland has long been the recognized leader in efforts to restore the Chesapeake Bay. Maryland has a great track record in developing and implementing innovative programs designed to protect and restore the Chesapeake Bay and its tributaries including: the landmark phosphate ban; wetlands protection; forest conservation; land use and stormwater management programs that are national models; and the recently enacted Bay Restoration Fund, which creates a dedicated fund to upgrade Maryland's wastewater treatment plants with enhanced nutrient removal (ENR) technology.

Maryland met its commitment to provide a Tributary Strategy for nutrient and sediment reduction by April 2004. We are now working on the development of the detailed implementation strategy for each of Maryland's 10 tributary basins. Maryland's Tributary Strategy provides a comprehensive blueprint of what must be done to reduce nutrient and sediment input to levels that support living resources. They are much more robust than initially imagined and will require all Marylanders to do their share – but it is the right thing to do. As Governor Ehrlich has stated many times, the Chesapeake Bay is a vital resource that must be restored and protected.

Current State of the Bay

The State of Maryland has been very successful in implementing many important nutrient and sediment reduction best management practices from 1985-2000. This has been accomplished through efforts by farmers, developers, private landowners, industry, watershed associations, nonprofit environmental organizations and federal, state and local governments. For example:

- Maryland's farm community implemented a range of Best Management Practices (BMPs) on farmland across the watershed to reduce nutrient and sediment loads. Agricultural contributions were reduced by 31% for nitrogen and 43% for phosphorus between 1985-2002. Their efforts include implementing 786,000 acres of farm plans, employing conservation tillage practices on 665,000 acres of cropland, planting almost 100,000 acres of cover crops every year, and installing almost 3,000 systems to manage animal waste.
- Point sources were reduced by 52% for nitrogen and 66% for phosphorus between 1985-2002. Maryland has upgraded 66 major wastewater treatment plants to remove nitrogen through a process known as biological nutrient removal (BNR). These plants will be upgraded to ENR thanks to enactment of Governor Ehrlich's Bay Restoration Fund.
- Maryland's Stormwater Management laws, adopted in 1985, have done much to clean up urban nonpoint source pollution from new development.
- Maryland has also implemented approximately 1,000 miles of forest buffers since 1985.

Setting a New Course for Bay Restoration

Despite optimistic modeling results, water quality monitoring data in the Maryland portion of the Chesapeake Bay continues to show mixed results. While nitrogen concentrations have decreased in the Patuxent and Potomac tidal tributaries, they have increased in the Choptank. Nutrient reductions strategies have been more challenging to implement in some areas. We have seen some improvements in nitrogen and phosphorus concentrations, but many tributaries have not experienced any significant nutrient reductions, and some have even experienced declining water quality.

Obviously efforts to date have not been of the order of magnitude sufficient to restore the Chesapeake. In order to truly change the course of Bay restoration efforts, Maryland has embarked on a three-pronged approach.

The first, an ambitious Tributary Strategy for the Maryland portion of the Chesapeake Bay, has already been described in detail by Jamie Baxter. However, I would like to reiterate several points:

- Implementation of Maryland's Tributary Strategy will cost an estimated \$10 billion.
- Maryland has taken a very important step toward meeting these costs with the bold Chesapeake Bay Restoration Fund initiative presented by Governor Ehrlich last year, which will generate approximately \$1 billion for wastewater upgrades and cover crops. Maryland has shown a willingness to do our part but we can't do it all.
- Existing federal, state and local funding sources, such as the Chesapeake Bay Restoration Fund, and existing regulatory programs will contribute \$3.9 billion, leaving a shortfall of roughly \$6.1 billion.
- These costs are of the same order of magnitude as reported by the Chesapeake Bay Blue Ribbon Financing Panel.

The second is an aggressive program for conducting Large-scale Bay Grass Restoration Projects. The Maryland Department of Natural Resources is committed to achieving or exceeding the Bay Program's goal of planting 1,000 acres of bay grass by 2008. This represents bay grass restoration on a scale never before attempted, and will require the development and implementation of numerous new technologies, many of which are currently being tested and evaluated.

The third is a bold program for restoring oysters to the Chesapeake Bay, the population of which is at an all-time low due to disease. The program includes both continuing efforts to restore native oysters and a thorough scientific evaluation of the potential of introducing a non-native oyster. Eight alternatives are currently being explored, and we are anxiously awaiting the results of the Environmental Impact Study underway, to determine which alternatives or combination of alternatives will allow us to restore a viable population of oysters to the Bay. If the research determines that it is safe, we hope that Congress will not work to unnecessarily delay implementation. We should allow the science to determine the course of action and not pre-judge the outcome.

How Congress can help

While Maryland has taken a major step to fund wastewater treatment infrastructure upgrades, additional federal support is needed for Bay restoration. What we need most continues to be money to implement the restoration needs that have been identified through years of research and monitoring of the Bay. There are a number of watershed restoration efforts around the nation including the Great Lakes, Louisiana Delta, and Long Island Sound, and we are in many ways competing with them for attention and resources. We must find ways to make the Chesapeake Bay a higher priority for more Members of Congress in order to secure the significant federal dollars that are needed.

Accordingly, we urge all Representatives in the Bay Watershed and proponents of Bay restoration to work as a coalition and to actively seek opportunities to secure funding, for Bay restoration activities. The Bay Watershed Task Force, which you (Rep. Gilchrest) co-chair, can serve as the base for such a coalition and we urge the Task Force to be even more active and assertive in the future. Having a well-organized congressional coalition will be important to achieving the significant federal support that we believe will be necessary to meeting our restoration needs.

The specific, immediate opportunities for additional federal support, which we believe should be pursued, are:

Increased agriculture conservation funding through existing USDA programs, such as the Environmental Quality Incentive Program (EQIP), Farm and Ranchland Protection Program (FRPP), Wildlife Habitat Incentive Program (WHIP), Wetland Reserve Program (WRP), Agriculture Management Assistance (AMA), Forest Land Enhancement Program (FLEP) and Conservation Security Program (CSP). In addition, thanks to your efforts Mr. Chairman, the Farm Bill authorized a Delmarva Conservation Corridor Program (DCCP). The Farm Bill also included a Partnership and Cooperation authority that allows the Secretary to provide resources to address natural resource issues related to agriculture production. These existing program authorizations could serve as vehicles for further financial assistance to address agricultural run-off issues in Maryland and the Bay watershed.

Passage of a Water Resources Development Act (WRDA) reauthorization that significantly increases the authorization for the U.S. Army Corps of Engineers Chesapeake Bay Restoration and Protection program (Section 510). This program was authorized to provide technical, planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay. Because of the broad authority of this program to conduct Bay restoration projects, we believe it could potentially serve as the centerpiece of a comprehensive federal funding effort. As you know, the House passed a WRDA reauthorization bill that increased Section 510 authority to \$30 million, but the Senate was not able to complete a bill.

Reauthorization of the National Coastal Zone Management Act. This action would help support Maryland's efforts in habitat restoration, watershed management, community planning, and many of the commitments contained in the Chesapeake Bay Agreement. This Act has provided \$3 million annually to Maryland for coastal protection and restoration and has been especially effective in helping local communities with watershed planning, protecting sensitive areas, reducing non-point source pollution and mitigating the impacts of growth and development. We are seeking a strengthened Act with additional funding to adequately achieve the Program's goals.

Again, thank you for the opportunity to testify on this issue that is vital to the people, the environment and the economy of Maryland and the mid-Atlantic region.