COMMISSION ON OCEAN POLICY
TESTIMONY OF
VERNA E. HARRISON
ASSISTANT SECRETARY
MARYLAND DEPARTMENT OF NATURAL RESOURCES
JANUARY 16, 2002
CHARLESTON, SOUTH CAROLINA

GREETING

Admiral Watkins and members of the Commission on Ocean Policy, it is my great pleasure to be here, and Maryland thanks you for this opportunity to contribute to your efforts.

My name is Verna Harrison, and I am Assistant Secretary for Chesapeake Bay and Watershed Programs at the Maryland Department of Natural Resources. Today, I am speaking on behalf of our Secretary J. Charles Fox who, due to a scheduling conflict with our governor Parris N. Glendening's State of the State Address, is unable to be here.

Secretary Fox sends his regards, and commends the Commission for its work. It is a daunting task you face: developing recommendations to the President and Congress for a new, comprehensive national ocean policy means developing policies that work equally as well for the cold deep waters of Puget Sound and the shallow, warmer estuary of the Chesapeake Bay, as well as addressing issues as diverse as fisheries management, land use, and wetlands restoration.

INTRODUCTION

Maryland is a small state, but its most important natural resource, the Chesapeake Bay, is North America's largest estuary, with a watershed that covers almost 90 percent of the state, and more than 17,000 miles of tributaries. But the state's Atlantic Coastal Bays are also critically important, not only to our

economy, but as unique ecosystems that stand on a knife's edge of survival. The decisions you make and recommendations you forward will be of vital importance to us now, and for the future.

Since the late '70's Maryland, and the other Chesapeake Bay states have been involved in one of the largest-scale environmental rehabilitation projects in the world. The Chesapeake Bay, like waters of Puget Sound, San Francisco Bay, Long Island Sound, Palmico Sound, a score of other coastal areas, and the seas that bound this continent are more than ecological treasures. They are, in many cases, the engines that drive our economies and bring prosperity to tens of millions of people.

But in many cases, these engines are running out of gas. Oysters harvests in Chesapeake Bay are a fraction of their historic numbers, lobsters are dying off the coasts of Connecticut and Long Island, *Pfiesteria* has killed millions of fish behind the Outer Banks, and the list goes on.

The causes of these disasters are diverse, but all have a common link: they are multi-jurisdictional. A single state or local government cannot "fix" the problem, cannot bring a solution. We need federal assistance, in scores of areas, to successfully defend our natural treasures and economic resources.

And while there is no shortage of federal agencies to get involved there is often a lack of coordination between the agencies, battles of conflicting agency mandates, and a serious lack of funding, issues I will return to in a few moments.

WHAT MAKES MARYLAND A GOOD EXAMPLE?

As you make your recommendations and help frame a new national oceans and bays policy, we in Maryland would like to share our experience in helping successfully develop and implement a comprehensive set of policies, objectives, and strategies that have arrested the decline of the Bay's water quality, and begun to restore living resources and habitat, putting the Chesapeake and its tributaries back on the road to recovery.

Within the Chesapeake Bay's 64,000 square miles of watershed, and among its population of more than 15 million, one can find all challenges you face on an even vastly grander scale. Our experience too, encompasses many of the issues you will have to deal with, ranging from changing the way people wash their clothes (when we banned phosphated laundry detergent) to how many fish they can catch (when we had to institute a harvest moratorium on what we call "rockfish," and everyone else calls striped bass.) We've had to deal with where and how houses are built, what people can do with old motor oil, and how to deal with thousands of tons of chicken manure a day.

The relationship between the federal government and the states, and between the states and local governments had to be faced and a workable accommodation found. Laws regulating recycling, timber harvesting, and how much fertilizer a farmer should use on his corn crop were all debated, and enacted. Channels to Baltimore Harbor needed to be kept deep and the port viable, homes built, transportation infrastructure maintained, and we even had to figure out how to keep airplane wings deiced, without killing the streams around our airport.

From our perspective, the cumulative lesson from all this can be communicated in four concepts:

Smart Land Use,
Sustainable Resource Management
Effective Partnerships, and
Adequate Funding, with accountability.

WHAT KIND OF POLICIES DO WE NEED?

The most fundamental questions this Commission will answer focus on the kinds of policies you will be recommending. The committee must decide on the balance between conservation and use. It must reconcile the needs of vastly different physical environments. It must logically, and effectively, connect such seemingly disparate issues as shoreline buffers, residential housing development and agricultural fertilizer use into a unified set of policies.

We in Maryland faced the same types of decisions, beginning in 1983, when your esteemed panel member William Ruckleshouse was EPA administrator. He, along with Governor Harry Hughes, Senator "Mac" Mathias, and others recognized that no one state, or the federal government alone, could stop the decline of the Chesapeake and restore it to health. We recognized then, and wish to emphasize now, that it takes everyone, federal agencies and Congress, state and local governments, business, agriculture, and environmentalists, working together towards clear and common goals, for many, many years, to achieve the kinds of success our citizens demand.

We've developed a framework for our success. And I'd like to

share that framework, and some observations about making it work with you today:

A FRAMEWORK FOR AN OCEANS POLICY

The four concepts I mentioned earlier:

Smart Land Use,
Sustainable Resource Management,
Effective Partnerships, and
Adequate Funding, with accountability

are the basis for a successful oceans policy. But there needs to be a framework that ties these concepts into policy that allows goals to be set and offers strategies to bring success. I would like to suggest to you such a framework:

In June of 2000, Governor Glendening, as Chair of the Chesapeake Executive Council, was joined by the representatives of the governors of Virginia and Pennsylvania, the Mayor of the District of Columbia, the Administrator of the US EPA, and the chair of the Chesapeake Bay Commission, representing the legislators of the Bay states. Together they signed a "2000 Chesapeake Bay Agreement, " a detailed set of specific goals and objectives, with target dates for completion, that brought their joint conservation and restoration efforts into the 21st Century.

That Agreement, which I offer as part of my testimony, should be consulted as you develop your framework for a national oceans policy. Within its five sections,

- Living Resources
- Vital Habitat

- Water Quality
- Sound Land Use
- Outreach and Stewardship,

you will find all of the key concepts needed to build policy; there is a natural connection between the sections that helps build understanding of the interrelated nature of land, water, and people; and there is sufficient flexibility to encompass all of the issues you need see addressed.

This Agreement, which was two years in the making, is itself a good example of one of our four basic concepts: partnerships. More than 1,000 people contributed to the creation of the new Agreement; a coalition of government agencies, NGO's, and citizens labored over its drafting; and there was almost a six month period to "test" the draft document before it was formally adopted.

THE MOST IMPORTANT LESSON

Of all the great lessons learned in the development of the 2000 Chesapeake Bay Agreement, I think the ones I would bring to your attention are those that make the connection between land use and everything else.

Land use is the ultimate arbiter of the quality and cleanliness of our water bodies, whether river, bay or ocean; the scope and vitality of our living resources is determined by what we do with our land; and the range and productivity of the habitat that living resources so desperately depend on is a primary result of how and where we grow and to what uses we put our land.

It is also the issue that raises the most public passion and a

goodly measure of divisiveness.

From our experience, we have found that smart land use can equate to economic growth. Smart growth is smart business. Over the past eight years, our state has implemented scores of policies that reinforce our belief that protection of resource lands, judicious use, and reuse, of developed land, and building "green" is the smarter way to build, pays off.

We have seen neighborhoods revitalized when we began looking at redeveloping in our cities, instead of sprawling into new suburbs. We have seen key resource land permanently protected when we undertook, and adequately funded a new, GIS-based approach to identify large tracts of land that needed to be saved, overlaid the land most threatened by development, and then began buying or taking easements on the most ecologically valuable, threatened land. We call this our GreenPrint program. It not only protects large tracts of land, we create GreenPrint corridors that connect these tracts for all the obvious ecological benefits.

With GreenPrint, our Rural Legacy, Agricultural Easement, and Open Space programs, Maryland has taken a comprehensive approach to resource land protection.

And I think we have a philosophy that we'd like to share with you, namely, that the carrot often works better than the stick.

INCENTIVES WORK

As you deliberate and work through the hundreds of potential policies you need to develop, I'm sure you'll realize that direct federal, or even state, involvement in land use decisions is minimal.

Local jurisdictions, towns and townships, cities, and counties are where the real, day-to-day land use decisions are made. But there are clearly state and federal roles in these decisions, especially when it comes to adding infrastructure. Where roads are built, if roads are built, how much assistance there is for schools, wastewater treatment plants, sewer systems, mass transit options, all the bricks and mortar that go in to development all have the potential to be affected by federal, and state, policies and funding, and all can help shape the future of our coasts, oceans, bays, and rivers.

It is our recommendation that policies be initiated that incent local governments, communities, developers, and citizens to grow smart and avoid the kinds of development that has put so much of this nation's natural heritage in jeopardy.

Now some may say that government, especially the federal government has no business meddling in this area. Our experience is quite the opposite. Government, including the federal government, has a significantly justifiable interest in what locals do with their land. Bad land use decisions have to be paid for, whether in remediation, consider the Florida Everglades; in lost public use; or in the loss of quality of life.

It sure seems better to prevent bad decisions, rather the try to fix them after the fact. That's our approach in Maryland. Federal incentives, such as grants conditioned on good environmental practices, more encouragement, and leadership for green building; and enhancing environmental responsibility on land leased by the federal government would help. I've even heard a call for the elimination of tax deductions for mortgages on second homes in certain areas. But that's one suggestion I'll leave for the

Commission to grapple with.

Let me here just point out the newest trend in mass migration, and that is to the shore. Of anything. A river or stream or bay or ocean. Many states, Maryland included, are experiencing an exodus of people from the central part of the state to the coasts of both the Bay and the ocean. Areas that have traditionally been summer refuges are now coping with an incoming tide of year-round residents, building ever larger homes, and demanding even more services.

Trends like this should cause us to reexamine how we look at the cost of development. We need to be cognizant of not just the obvious, "today" costs, but the long term tariff as well.

SMART GROWTH MEANS SMART BUSINESS

For a future research, let me refer you to one of Baltimore's most successful developers. Who was also the Chesapeake Bay Foundation's (one of the nation's leading environmental organizations) "Conservationist of the Year," Bill Streuver, of Streuver Bros, Eccles & Rouse.

His work, in Baltimore City's Canton area, a typical decaying, post-industrial-collapse disaster area, was nothing less than miraculous. He took advantage of all of the state incentives (for brownfield redevelopment, historic building preservation, economic zone creation, etc.) and revitalized an entire neighborhood. He is doing the same with a former Proctor & Gamble soap plant at Tide Point in Baltimore's harbor area, helping create Baltimore's "Digital Harbor." I urge you to contact him and find out how smart growth really means smart business.

NO EASY JOB

Managing large coastal areas is a tough job. Not just because of the size of the job, but because to successfully manage the coastal area, one must really manage everything upstream. Because what happens upstream determines what happens downstream.

That is why we urge this Commission not to limit its thinking to the first 50 or 100 or 1,000 feet of coastline. Rather we suggest you think upstream, right to the headwaters of the rivers that feed the ocean and bring fresh water to our bays and sounds. This is where the fate of the Bay or the ocean will be determined.

And we would also like to suggest a resource for you to look to – the Coastal Zone Management program that exists in all the areas your policy will effect. We enthusiastically endorse the principles by which the CZM program has been operating. But CZM could use some help. It's a good model for federal/state partnerships, but enhanced funding, more accountability in program performance, and increased attention, on a national scale, to non-point source pollution and habitat loss seems indicated. It's a good template for your policy development, and there's a great chance to make it better.

Their success has been rooted in shared decision-making. Our experience not just with CZM, but with the Bay cleanup efforts, the development of our Tributary Strategies, and the creation of the 2000 Bay Agreement all bear testament to the effectiveness of that approach.

That said however, there is one note of caution I would like to sound. Where there are many federal agencies involved, there needs to be effective coordination. There must be an end to the confusion often engendered by competing federal agency agendas, overlapping areas of interest and regulation, and lack of cooperation.

Again, I would suggest you look to the Chesapeake Bay Program as a template. The coordination of the Federal Agencies Committee, under the programmatic lead of EPA, provides a good forum for ironing out differences. However, even this effort could be improved on, and we look forward to your recommendations in this area.

CONCLUSION AND RECOMMENDATIONS

At the beginning of my remarks, I suggested that this Commission consider four basic principles in its deliberations:

Smart Land Use,
Sustainable Resource Management
Effective Partnerships, and
Adequate Funding, with accountability.

I have spoken at length on Smart Land Use and made what I hope to be a good case for effective partnerships.

In terms of sustainable resource management, I see by your agenda you will get a healthy dose of that.

But all of everyone's good wishes and dearest hopes will come to

little if there isn't adequate funding to support the good intentions.

This is not a cheap undertaking. It costs a lot to make up for 300 plus years of abuse. And it costs even more to protect our land and our air and our living resources for the next 300 years.

- Stream revitalization, figure a million dollars a mile (which is actually cheaper than a mile of interstate highway),
- Resource land protection – we're talking real estate here, and the market sets the price of this land.

I would like to leave you with 3 recommendation and a warning:

1. Get your thinking off the beach and away from the coastline: Land use, smart land use, smart land use upstream is the key to success in our oceans and on our bays.

2. Remember the citizen, the voter, the taxpayer who ultimately foots the bill: but our oceans and our coastlines and our bays are national treasures, and there needs to be strong national participation in the management of these areas.

3. Emulate success: there are many successful programs around, the Bay Program is one of them. One of the most technically advanced, politically sophisticated, and broad-based. We'd suggest you use it as the model for your policy deliberations.

My warning is simply this: don't get bogged down in the "junk."

There's junk science, junk politics, and junk philosophy, and it can all tell you that the world is either coming to an end, or everything is in fine shape.

But as someone who has spent her entire life working to find political

solutions to environmental problems, I can say this with 100 percent confidence:

Our coastal areas are not in good shape. And unless you do something about it, they will not be getting better.

This is a crucial time for the environment.

We look to you to guide us towards the future.

# # #