

# **FINAL REPORT**

## **CHESAPEAKE BAY PROGRAM INSTITUTIONAL GOVERNANCE ANALYSIS:**

### **PARTICIPATION BY THE HEADWATERS STATES OF DELAWARE, NEW YORK AND WEST VIRGINIA**

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David Bancroft

# EXECUTIVE SUMMARY

## Introduction

The Principals' Staff Committee (PSC) decided in April 2002 that a number of options regarding the involvement of Delaware, New York and West Virginia (Headwaters States) would be presented at a future PSC meeting. The Alliance for the Chesapeake Bay (Alliance) was asked by the Chesapeake Bay Program (CBP) to assemble a number of options for Headwaters States involvement. While several scenarios may be able to be developed independent of the current CBP partners and the Headwaters States, the Alliance proposed that the best approach to structuring a successful partnership would be a process of engagement that would draw out the preferences of all of the parties.

## Methodology

This analysis employed a five-pronged approach to gain insights into the appropriate role for the Headwaters States in the Chesapeake Bay Program. The process entailed: (1) developing several draft participation and governance scenarios; (2) asking 24 officials representing the current partners at the Executive Council (EC), Principals' Staff Committee (PSC) and Implementation Committee (IC) their views on Headwaters States' involvement; (3) gathering the perspectives of officials from Delaware, New York and West Virginia on what they would like their individual state's roles to be in the CBP; (4) analyzing the results of the current partners and Headwaters States interviews and pairing them with probable scenarios; and (5) drafting a final report and making recommendations to the PSC on possible future courses of action.

## Results

### Memoranda of Understanding (MOUs) and Chesapeake 2000 (C2K)

It was found that 96 percent of current partner interviewees approved of the Headwaters States signing the Water Quality MOU, but only 38 percent thought it appropriate for them to sign C2K in its entirety. However, Delaware and New York do not wish to sign C2K, but would rather work on specific issues and possibly sign other MOUs. West Virginia officials, on the other hand, are open to looking at all C2K commitments for possible signing, but want more time to evaluate the complete document.

### Technical Subcommittees

There is unanimous support among current CBP full partners for Headwaters States representation on the Water Quality Steering Committee and widespread support for targeted participation on other technical subcommittees. But there is concern about across the board Headwaters States participation in all subcommittees and the way that might skew the work and recommendations of the subcommittees. Delaware and New York do not want representation on all subcommittees and find the CBP structure onerous. West Virginia expressed an interest in having representation on all CBP subcommittees and working groups.

## Policy Committees and Gubernatorial Representation

If the Headwaters States' governors sign C2K, 83 percent of current partner interviewees felt it would be appropriate for them to have representation on the Budget Steering Committee (BSC) and IC; 63 percent felt they should serve on the PSC and EC; and only 33 percent thought they should be full partners. Fifty-eight percent thought partial membership was an appropriate level of participation. Delaware and New York have little interest in serving on the BSC, IC, PSC and EC, but think their governors should be invited to EC meetings related to any MOUs that they have signed or are being asked to sign. West Virginia would like to be a member of any CBP committee with interests affecting the state, including gubernatorial invitations to EC meetings.

## Funding

The current CBP partners endorsed by 96 percent the decision to give grants to Headwaters States, but only 50 percent thought they should ever receive full implementation grants. Increases or decreases in grants to Headwaters States should be based on C2K performance goals and increased CBP funding. While both Delaware and New York would decline full implementation grants due to staffing and matching funds requirements, West Virginia envisions receiving a full implementation grant when its full commitments and targeted goals are defined.

## State Legislative Representation

Forty-six percent of all current CBP partner respondents felt that state legislative representation by the Headwaters States to the CBP was important. However, there was strong opposition to them having full Chesapeake Bay Commission membership. None of the Headwaters States expressed a deep interest in having state legislative representation to the CBP at this time.

## **Conclusions**

Eight scenarios for Headwaters States involvement in the CBP were developed ranging from non-participation to full member. The widespread endorsement of Headwaters States participation made the non-participation (Scenario #1) and lesser participation (Scenario #2) options inappropriate for further consideration. A partial vote option (Scenario #7) was dropped due to equity issues. A full membership (Scenario #8) does not seem likely at this time due to strong opposition from some of the current CBP full partners and little interest from the Headwaters States in becoming full members. The four most likely scenarios are listed below.

### Scenario #3 - Status Quo

*Headwaters States sign sections of C2K, receive limited grants, have representation on technical subcommittees related to their commitments, but have no BSC, IC, PSC or EC involvement.*

Some key elements of this option are:

- additional MOUs may be signed;
- limited grants may be increased if CBP funding is increased; and
- limited grants may be funded out of the competitive grants funding pool.

#### Scenario # 4 - Gubernatorial Guest Membership

*Headwaters States sign certain sections of C2K, receive limited grants and have representation on technical subcommittees related to their C2K commitments, there is no BSC, IC, PSC or EC memberships, but Headwaters States' governors are invited as guests to EC meetings pertaining to their commitments.*

Some key elements of this option are:

- increased governors' involvement in CBP;
- potentially greater acceptance of other C2K goals; and
- greater PR potential and higher profile EC meetings.

#### Scenario # 5 - Cabinet Level Partial/Gubernatorial Guest Membership

*Headwaters States sign certain sections of C2K, receive limited grants and have representation on all technical subcommittees, there is no BSC or IC memberships, but Headwaters States' governors are invited as guests to EC meetings pertaining to their commitments and cabinet level officials are given partial membership on PSC pertaining to their commitments.*

Some key elements of this option are:

- increased governors' involvement in CBP;
- potentially greater acceptance of other C2K goals;
- greater PR potential and higher profile EC meetings; and
- negotiation of other MOUs with representatives carrying cabinet-level portfolios.

#### Scenario # 6 - Partial Membership by Issue

*Headwaters States sign certain sections of C2K, receive limited grants, have representation on all technical subcommittees, and have votes related to commitments on the BSC, IC, PSC and EC. Headwaters States are invited to all CBP meetings.*

Some key elements of this option are:

- fifty-eight percent of CBP interviewees thought this level of participation was appropriate;
- it reflects equity in the relationship; and
- there is some staff level concern about more complicated logistics, but this may be a burden that needs to be borne if CBP is to accomplish C2K goals.

### **Recommendations - Headwaters States Involvement**

All of the scenarios detailed above have wide acceptability. If the CBP wants to move beyond Scenario #3 - Status Quo, but is not ready for Scenario #6 - Partial Membership by Issue, then the three recommendations listed below will allow the CBP to bolster watershed-wide efforts to meet Chesapeake 2000 goals by enhancing its current relationship with the Headwaters States.

- Invite Headwaters States Governors to Attend EC Meetings - A first step that the CBP may take to move toward greater inclusion of the Headwaters States is to invite their governors to any Executive Council meetings that focus on the commitments of the Water Quality MOU that they have signed or that relate to potential new agreements.

- Ask Officials from Headwaters States to Serve on the PSC - A second step may be to invite cabinet level officials of the Headwaters States to serve on the Principals' Staff Committee. Having those department heads involved in water quality and other discussions at the PSC would make them more cognizant of and comfortable with CBP approaches to the issues. Another reason for Headwaters States cabinet level involvement with the PSC is to ensure that Headwaters States agency staff who attend technical subcommittee meetings are carrying the authority of their superiors.
- Work on Additional Agreements with Headwaters States - With Headwaters States agency staff serving on technical subcommittees of interest to their jurisdictions, a third step may be to negotiate additional agreements covering other elements of C2K. A number of possible areas include:
  - exotic species;
  - fish passage;
  - land use; and
  - riparian forest buffers.

### **Recommendations - Other Issues**

Six other recommendations became apparent during the analysis that the CBP needs to address to make the administration and operation of the program more efficient and effective.

- Consensus Decision-Making - Current CBP full partners need to be reassured that future decisions on Headwaters States involvement will be made by consensus.
- Current Partner Familiarity with MOU and Headwaters Grants - More information needs to be provided to officials of the current CBP full partners on the content of the Water Quality MOU and the activities being funded by CBP grants in the Headwaters States.
- Headwaters States Familiarity with CBP - Additional outreach needs to be conducted in the Headwaters States to increase their knowledge of the CBP structure and initiatives.
- Engagement of Headwaters States Congressional Delegation - Senate and House members from the Headwaters States are powerful members of many pertinent authorization and appropriations committees. They need to be engaged to increase CBP funding.
- Identify Technology to Facilitate Multi-State Remote Meetings - Current members and Headwaters States are experiencing increased travel restrictions. CBP needs to modernize and do more meetings remotely via internet or videoconferencing.
- Streamline CBP Committee/Subcommittee Structure and Membership - The present committee/subcommittee structure is too bureaucratic. It is characterized as having too many representatives from each jurisdiction and an inability to make recommendations within a reasonable time frame. Even without the addition of the Headwaters States, the membership of CBP committees and subcommittees needs to be reviewed and revised so that opportunities to meet C2K goals are not missed.

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## **CHAPTER ONE: INTRODUCTION**

### **Establishment of the Chesapeake Bay Program**

In 1976, the United States Congress directed the Environmental Protection Agency (EPA) to conduct a five-year, \$25 million study of the Chesapeake Bay. EPA was required to assess water quality problems in the Bay, to establish a data collection and analysis mechanism, to coordinate all the activities involved in Bay research and to make recommendations on ways to improve existing Chesapeake Bay management mechanisms. As a result the first Chesapeake Bay Agreement was signed in 1983 and the Chesapeake Bay Program evolved as the means to restore this exceptionally valuable resource.

The Chesapeake Bay Program (CBP) was created as a regional partnership to act as a catalyst for the management of the Bay to benefit of all of the citizens in the region. The 1983 Agreement set in motion a coordinated campaign to reverse the decline of living resources in the Bay. It established the major elements of a cooperative structure to develop and coordinate the comprehensive Bay cleanup, including the Chesapeake Executive Council, the Implementation Committee, and the EPA Chesapeake Bay Liaison Office, along with a Bay-wide monitoring program to gather basic data against which desired change could be measured.

### **Legislative Authorization**

More recently, legislative authority for the Chesapeake Bay Program comes from Pub. L. 106-457, title II, Sec. 202, Nov. 7, 2000, 114 Stat. 1967, stating that: “(a) Findings. - Congress finds that - (1) the Chesapeake Bay is a national treasure and a resource of worldwide significance; (2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors; (3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay; (4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and (5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program. (b) Purposes. - The purposes of this title (amending this section and enacting provisions set out as a note under section 1251 of this title) are - (1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and (2) to achieve the goals established in the Chesapeake Bay Agreement.”



## **Current Partners and Structure**

The CBP partners currently making up the Chesapeake Executive Council include the Governors of Pennsylvania, Maryland and Virginia; the Mayor of the District of Columbia; the Chair of the Chesapeake Bay Commission; and the Administrator of the U.S. Environmental Protection Agency. The Executive Council (EC) establishes policy direction for the restoration and protection of the bay and its living resources. It exerts leadership to marshal public support and is accountable to the public for progress made under the multi-jurisdictional agreements. There are three advisory committees that make recommendations directly to the Executive Council. These are: (1) Citizens Advisory Committee, (2) Local Government Advisory Committee, and (3) Scientific and Technical Advisory Committee.

The Principals' Staff Committee (PSC), comprising of cabinet-level appointees, meets approximately four times a year to make recommendations to the Executive Council and to facilitate communication among the various committees, technical subcommittee and the advisory committees.

The Implementation Committee is charged with making regular policy and budgetary recommendation to the PSC. This committee meets regularly every six weeks and has a membership consisting of representatives from all six of the current CBP partners as well as numerous federal agencies.

The CBP provides Implementation Grants to the state partners and the District of Columbia. The Commonwealths of Pennsylvania and Virginia and the State of Maryland each received an Implementation Grant of \$2.3 million annually and they must match the grants dollar-for-dollar with non-federal revenue. The District of Columbia receives an Implementation Grant of \$800,000 annually which it must also match one for one. The pool of funds used to fund the Implementation Grants totals approximately \$8 million out of CBP annual appropriation of about \$20 million. The split between the states and the District has been a long negotiated formula of 30 percent, 30 percent, 30 percent and 10 percent.

## **Headwaters States and Participation**

The potential for Delaware, New York and West Virginia to have some level of participation in the Chesapeake Bay Program has been under discussion and consideration for quite some time. One of the findings of the *Report to Congress The Chesapeake Renewal Project: An Evaluation of the Chesapeake Bay Program* was that, "New York, West Virginia and Delaware need to become part of the Bay Program." This finding helped support the commitments of the Chesapeake 2000 (C2K) signed by the Chesapeake Executive Council on June 28, 2000 that listed as action items:

- "Strengthen partnerships with Delaware, New York and West Virginia by promoting communication and by seeking agreements of mutual concern.
- Work with non-signatory Bay states (now referred to as Headwaters States) to establish links with community-based organizations throughout the Bay watershed."

Since the signing of C2K though mid-2002, the CBP worked extensively with representatives of the Headwaters States and secured the signing by their governors to a Water Quality Memorandum of Understanding (MOU). In early 2002, the CBP made the decision to provide each of the Headwaters States with a \$250,000 grant to assist in implementing the commitments of the Water Quality MOU. These grants, which have to be matched one for one by the Headwaters States, resulted in smaller State Implementation Grants going to Maryland, Pennsylvania and Virginia.

With the addition of Delaware, New York and West Virginia (Headwaters States) to the Chesapeake Bay Program (CBP), both as signatories to the Water Quality MOU of Chesapeake 2000 and as recipients of CBP dollars, the question has been raised about what role the Headwaters States should play, if any, in the institutional governance of the CBP.

At the April 2002 Principals' Staff Committee (PSC), it was agreed that a number of options regarding Headwaters States involvement would be presented at a future PSC meeting. The Alliance for the Chesapeake Bay (Alliance) was asked by the CBP to assemble a number of options for Headwaters States involvement. While several scenarios may be able to be developed independent of the current CBP partners and the Headwaters States, the Alliance proposed that the best approach to structuring a successful partnership would be a process of engagement that would draw out the preferences of all the parties.

### **Project Description**

To complete this analysis, the Alliance entered into a dialogue with the current CBP partners (Chesapeake Bay Commission, District of Columbia, Maryland, Pennsylvania, Virginia and U.S. Environmental Protection Agency ) as well as the Headwaters States (Delaware, New York and West Virginia), to learn their reaction to different options for interaction or participation of the Headwaters States in the CBP.

The objectives of this analysis are to:

- Outline various scenarios with differing levels of involvement for Headwaters States in interacting or participating in the CBP.
- Illuminate current partner and Headwaters States perspectives on the role of the Headwaters States in the CBP.
- Explore the acceptability and limits of various formal and informal arrangements under which the Headwaters States may interact or participate in the CBP.

## **CHAPTER TWO: METHODOLOGY**

This analysis utilized a five-pronged approach to gain insights into the appropriate role for the Headwaters States in the Chesapeake Bay Program. The process entailed: (1) development of draft participation and governance scenarios; (2) asking officials representing the current partners their views on Headwaters States involvement; (3) gathering the perspectives of officials from Delaware, New York and West Virginia on what they would like their individual state's roles to be in the Chesapeake Bay Program (CBP); (4) analyzing the results of the current partners and Headwaters States interviewed and pairing them with probable scenarios and (5) making recommendations to the PSC on future courses of action.

### **Development of Chesapeake Bay Program Headwaters States Participation and Governance Scenarios**

The first step in the analysis was to construct various scenarios of participation and governance for Delaware, New York and West Virginia in the Chesapeake Bay program. These scenarios needed to cover several different levels of involvement from no involvement through full membership. Other characteristics include partial signing of C2K, full signing of C2K, small grants, full implementation grants, membership on technical, budget and policy making committee, gubernatorial membership on the Executive Council and state legislative representation within the CBP. These scenarios are detailed in Chapter 3.

### **Illuminate Perspectives of the Roles of the Headwaters States by Current Partners**

A series of interviews were coordinated with key officials representing each of the six current Chesapeake Bay Program partners. Three to five interviews were targeted in each CBP partner jurisdiction. These officials would be representatives of the Executive Council, Principals' Staff Committee and Implementation Committee. While the Alliance did the selection of the interviewees from each jurisdiction, officials of the CBP did provide some advice. A complete list of interviewees can be found in Attachment A.

The Alliance also developed a discussion guide to assist in uniformly covering the issues of MOU and C2K signing, committee and subcommittee membership, grant fund and state legislative representation. The results of these interviews can be found in Chapter 4.

### **Illuminate Perspectives of the Role of Headwaters States by Headwaters States**

A series of interviews were also conducted with officials from Delaware, New York and West Virginia. Three to five interviewees were targeted in these states as well. Representatives selected were from the governors' offices, cabinet level officials of natural resource agencies and current members of the Water Quality Steering Committee. The Alliance selected which officials to be interviewed in these states with some guidance by CBP officials. A complete list of all interviewees can be found in Attachment A.

A very similar discussion guide to the one developed for the current CBP partners was used for the Headwaters States interviewees. The results of these interviews can be found in Chapter 5.

### **Conclusions and Recommendations**

The results of these interviews have been aggregated and the various scenarios proposed for Headwaters States participation are analyzed based on those findings. In addition, other recommendations coming out of the interviews are also listed for consideration. A formal presentation of these conclusions and recommendations will be made at a future PSC meeting. The conclusions of this analysis can be found in Chapter 6 of this report and recommendations are detailed in Chapter 7.

## **CHAPTER THREE: CHESAPEAKE BAY PROGRAM HEADWATERS STATES PARTICIPATION AND GOVERNANCE SCENARIOS**

It may be useful to develop and examine several draft scenarios for the institutional governance of the Chesapeake Bay Program based on multiple levels of inclusion and participation by the Headwaters States. Not all of these scenarios may be deemed workable or even acceptable, but they may open up some doors to creative thinking about what roles the Headwaters States could assume. In addition, the possibilities listed here may provide the basis for further refinement into working models that may be adopted.

There are several parameters that need to be outlined in each scenario and those include: (1) commitments to some or all of the Chesapeake 2000 agreement (C2K); (2) funding or implementations grants from the CBP to the Headwaters States; (3) membership on CBP technical subcommittees; (4) memberships on CBP policy and budget committees including the Budget Steering Committee (BSC), Implementation Committee (IC) and Principals' Staff Committee (PSC); (5) gubernatorial membership on the Executive Council and making appointments to the Advisory Committees; and (6) state legislative representation within the CBP.

It should be noted that in this section as well as in some other sections of this report, the Headwaters States are treated as a single entity where all three states participate at the same level of commitment and have the same type of governance responsibilities. This uniform participation by all three Headwaters States may be unlikely to occur. Delaware, New York and West Virginia, just like the current CBP full partners, have very different needs and come from different political perspectives. While these scenarios will outline the Headwaters States' potential participation as a unit, it is likely that each will wish to pursue a unique path

### **Scenario # 1 – Non-Participation**

The Headwaters States make a commitment to none of the sections of C2K. In this case, there is no grant funding, no technical subcommittee membership, no BSC, IC, PSC or EC membership.

This was the situation throughout much of the history of the Chesapeake Bay Program until the formation of the Water Quality Steering Committee and the negotiation of the Water Quality MOUs. There would only be informal liaisons and communications among the various parties.

### **Scenario #2 – MOU Signing**

In this scenario, the Headwaters States make a commitment only to certain sections of C2K through various special Memorandums of Understanding (MOU). There is no grant funding, no BSC, IC, PSC or EC membership, but there is the opportunity for membership on various technical subcommittees related to the commitments of the MOUs that were signed.

This scenario is best illustrated by the conditions of the CBP in early 2002 before EPA decided to make grants to the Headwaters States.

### **Scenario # 3 – Status Quo**

Here the Headwaters States make a commitment only to certain sections of C2K and receive a limited amount of funding to assist in fulfilling those obligations. While there is no BSC, IC, PSC or EC membership, there is the opportunity for membership on various technical subcommittees related to the commitments of the MOUs that were signed.

This is the current situation after the Headwater States signed the Water Quality MOU and the CBP decision in early 2002 to provide grants to the Headwaters States.

### **Scenario # 4 – Gubernatorial Guest Membership**

The Headwaters States decide to commit only to certain sections of C2K and receive limited funding. They are permitted membership on all technical subcommittees and work groups related to their commitments. While there is no membership granted on the BSC, IC and PSC, a guest membership/invitation to Headwaters States' governors is extended for all EC meetings in which pertinent C2K issues are to be discussed.

This scenario is intended to bring the governors of the Headwaters States to the table and to elicit greater Headwaters States buy-in to the C2K goals.

### **Scenario # 5 – Cabinet Level Partial/Gubernatorial Guest Membership**

In this scenario, Headwater States make a commitment only to certain sections of C2K, receive limited funding, are provided membership on all technical subcommittee and work groups, but receive no membership on BSC, IC. The Headwaters States are granted partial membership on PSC and guest membership on the EC.

The concept behind this configuration is that the cabinet level officials from the states need to be brought to the table first in a collegial atmosphere with their counterparts in the current CBP partner jurisdictions. Their participation in decisions related to the C2K commitments of their states along with their governors' guest role at the EC meetings are intended to foster a strong working bond among the states.

### **Scenario # 6 – Partial Membership by Issue**

Commitments by the Headwaters States are made only to certain sections of C2K and they are provided limited funding to fulfill those obligations. However, membership is provided on all technical subcommittees and workgroups and they are given partial vote membership on the BSC, IC, PSC and EC.

In this scenario, Headwaters States are considered full members on the C2K issues to which they have committed, but nonmembers on issues to which they have made no commitments. For example, they would have full voting rights on all issues related to the Water Quality section of

C2K and the Water Quality MOU, but would have no voice on issues related to Sound Land Use (unless they had signed a Sound Land Use MOU).

### **Scenario #7 - Partial Memberships by Influence**

Here the Headwater States have made commitments to all sections of C2K, but still receive limited funding to fulfill those obligations. They may have membership and sit on all technical subcommittees and workgroups and they have partial voting membership on the BSC, IC, PSC and EC.

This configuration is structured to reflect the perspective that the Headwaters States do not have the same stake or obligation in protecting and restoring the Chesapeake Bay watershed that the current partner jurisdictions do. Therefore, they may have a say in all issues, but their votes may count only some fraction of the current partner votes.

### **Scenario #8 – Full Membership**

To be full members, Headwaters States would: (1) have made commitments to all sections of C2K; (2) receive full implementation grants; (3) be granted memberships on all technical subcommittees and workgroups and membership on the BSC, IC, PSC and EC; and (4) have state legislative representation to the CBP.

This level of membership gives the Headwaters States all the rights and responsibilities of the current partner jurisdictions.

## **CHAPTER FOUR: INTERVIEWS WITH OFFICIALS REPRESENTING CURRENT CHESAPEAKE BAY PROGRAM PARTNERS**

### **Introduction**

Interviews were conducted with 24 representatives of current Chesapeake Bay Program Partners to gauge their level of acceptance of participation in the program by the Headwaters States of Delaware, New York and West Virginia. In conducting these interviews, three to five individuals from each partner entity were selected. This includes representatives of the Executive Council (EC), Principals' Staff Committee (PSC) and Implementation Committee (IC) from each of the partnership entities.

Each representative was asked seventeen questions. The questions that were asked are identical to the major section headings in this chapter. A discussion guide was used in carrying out the interviews; a complete copy of that guide can be found in Attachment B. Some of the respondents requested to see and review the discussion guide prior to the interview, while others wanted to answer the questions extemporaneously.

In the following analysis, responses for all current CBP full partner interviewees were tabulated three separate ways.

- First, responses were totaled for all respondents.
- Second, responses were tabulated by committee representation: Executive Council (EC); Principals' Staff Committee (PSC) and Implementation Committee (IC).
- Third, responses were totaled by CBP partner entity. Since interviewees were promised anonymity, this might be breached if actual partner names were used. Therefore, none of the current CBP partners (i.e., Chesapeake Bay Commission, Commonwealths of Pennsylvania and Virginia, District of Columbia, State of Maryland and U.S. Environmental Protection Agency) are named in this analysis, but are given aliases ranging from Entity 1 through Entity 6.

There were times where a person may have represented two different committees (e.g., EC and PSC or PSC and IC). In those cases, the interviews were considered to be two separate interviews and for the purposes of this analysis their responses were given double weight.

At the end of each question section in this chapter, there is a list of "Pertinent Comments" that are direct quotes from the interviewees. These quotes are only a small sampling of the comments made by the respondents and are not intended to match the percentage tabulations of interviewees. Instead, these quotes are intended to provide the reader with a broader perspective of the reasons and feelings behind the responses. In addition, it is hoped these "Pertinent Comments" sections will provide some sense of the passion felt by some respondents even when their views were not consistent with the majority opinion.



## **How do you feel about the decision made earlier this year to provide grants to the Headwater States?**

This question elicited two different responses. The first dealt with the merits of the decision, while the second focused on the process employed to reach the decision.

Regarding the merits of the decision, it was overwhelming agreed by 96 percent of the respondents that they felt that it was the right decision. (See Figure 1.) Given the uniformity of the data, breakdowns by committee and entity are not provided. The consensus seems to be that there are multiple benefits to having the Headwaters States involved in the program.

Sixty-six percent of the interviewees, however, did not appreciate the process that was utilized to come to the decision to provide grants to the Headwaters States. (See figure 2.). To maintain confidentiality of the respondents, breakdowns of the data by committee and entity are not provided. Many of these interviewees felt that there was a disconnect between the unilateral manner in which the decision was made and the long history of consensus decision-making that has become the hallmark of the Chesapeake Bay Program.

### Pertinent Comments

- An excellent decision.
- I fully support the decision. The goals of C2K are ambitious. We need all the partners involved.
- Good thing. Don't know the details but it indirectly benefits everything we do.
- It is a good step. However the process was wrong. EPA did not discuss upfront. Bay Program has worked on consensus, but this came out as a directive. Bay Program should not just have informed the partners of the decision, it affected a lot of people.
- I have three views. First, it was probably not a bad thing to do. Second, if was to be done it should not have been taken from the state implementation grants, but rather from the BSC competitive grants. Third, the decision was done in a (expletive-deleted) way. It was bad form and a breach of trust. It was probably due to ignorance of the way the Bay Program operates.

Figure 1 – Decision on Headwaters States Grants

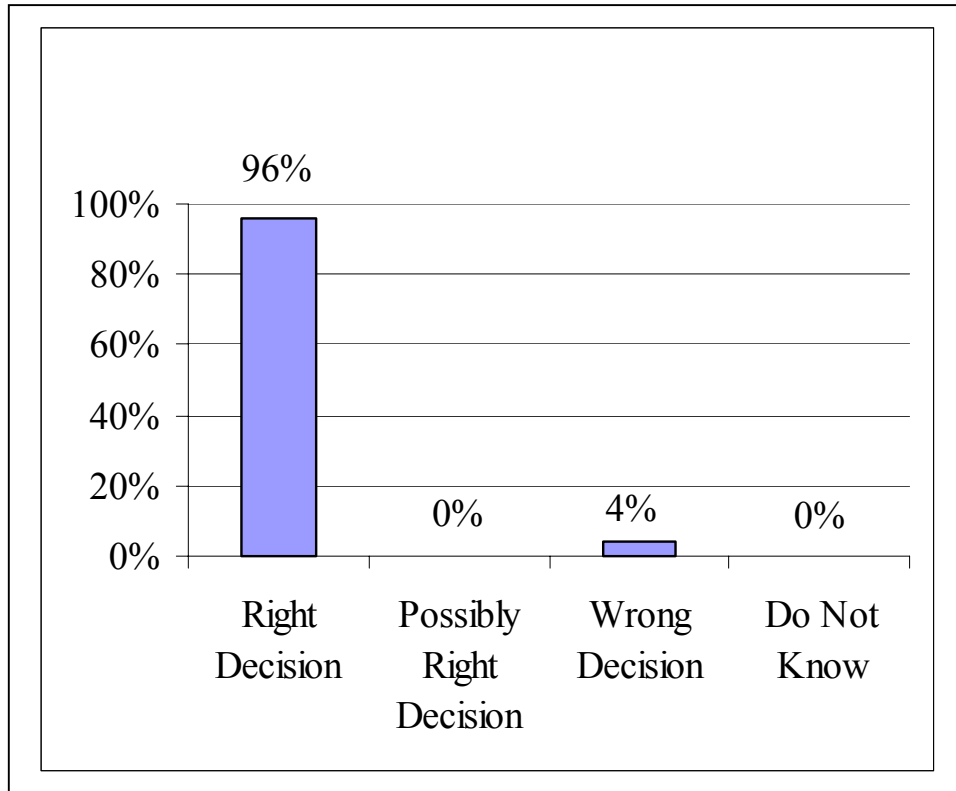
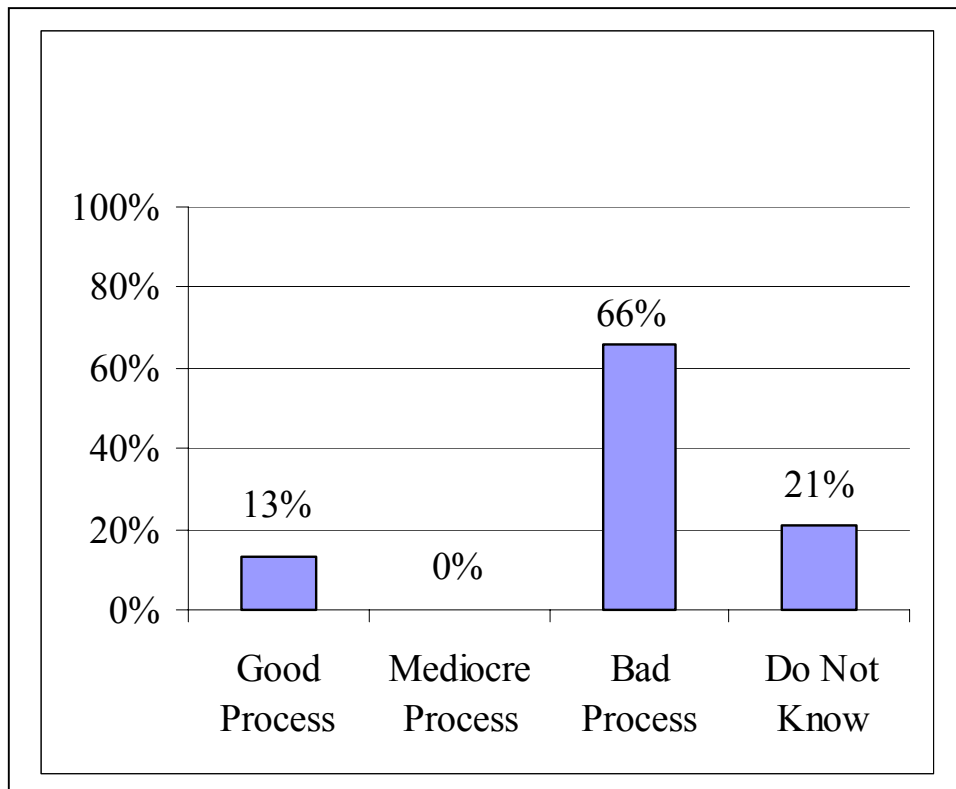


Figure 2 – Process on Deciding Headwaters States Grants



## **Ideally, what role, if any, would you prefer the Headwaters States to play in the CBP?**

Overall, 33 percent of the interviewees feel that the Headwaters States should be full partners in the Chesapeake Bay Program while 54 percent believe they should be partial members. (See Figure 3.)

Fifty percent of the Executive Council representatives approve of Headwaters States being full members, but only 22 percent of Principals' Staff Committee members do. The Implementation Committee figures almost identically match those of all respondents. (See Figure 4.)

The feelings by entity are widely divergent. Entity 2 favors full partnership status 100 percent, while Entity 5 endorses it by only 60 percent. Partial partnership is encouraged by both Entities 4 and 6 by 80 percent. (See Figure 5.)

### Pertinent Comments

- They should have a role that reflects their impact on the Bay. The value of their involvement is the degree to which they view themselves as full partners and resources should be shared as appropriate. We should not aspire to a stepchild relationship with the Headwaters States. Inclusion is good.
- We must have their involvement; their participation in the WQSC has been useful; I objected in the beginning to EPA's perception of headwater states needing to have equal vote; okay with equal votes if headwater states sign off on full agreement.
- It is important that they play a role particularly water quality and land use. We need to be smart in how we use and not diminish the emphasis on main states in the program. It is easy to expand to new territory; however, the downside is that it may lower expectations in the main states and dilute resources.
- The approach should be tributary specific. Possibly a series of tributary agreements that directly affect the targeted tributaries would be a good approach. Headwaters States would not become C2K signatories. Issues would be addressed through the rivers.
- They have a definite role. Clearly their interest is not as great. There is a benefit to including the Headwaters States – it brings in a larger Congressional delegation for federal support. Their participation and effort is small. Their full participation is a mistake.
- Only if they have something to contribute and on an as needed basis. Representatives from those states won't travel unless there is a direct connection to state-based issues.

Figure 3: Role of Headwaters States: By All

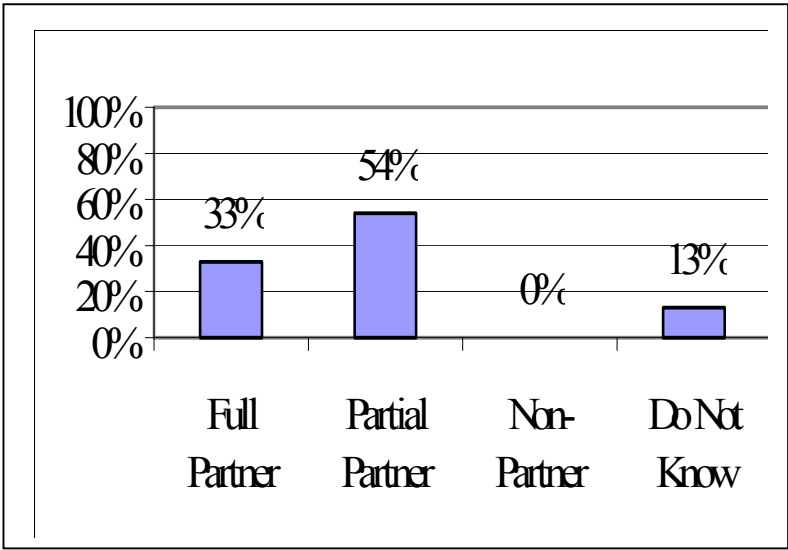


Figure 4 – Role of Headwaters States: By Committee

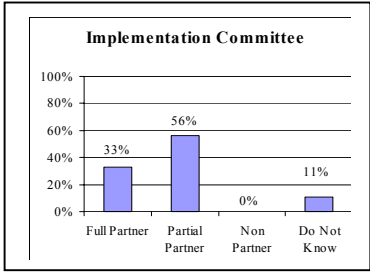
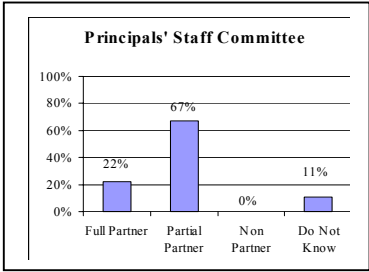
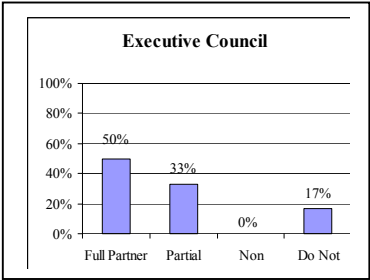
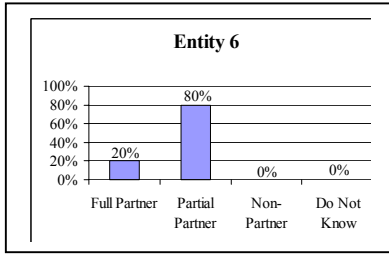
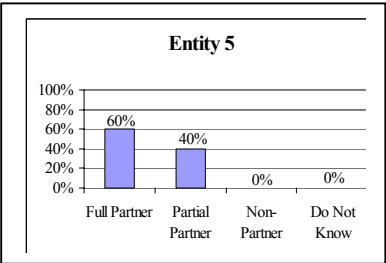
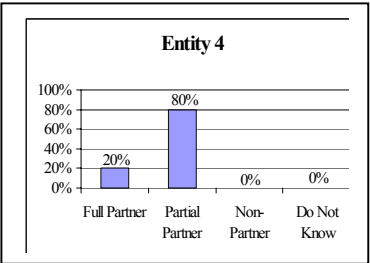
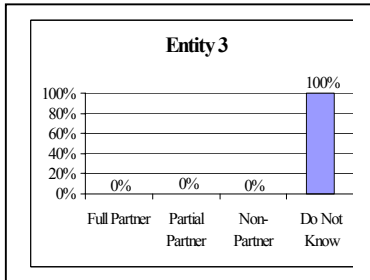
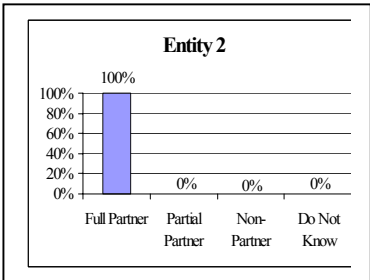
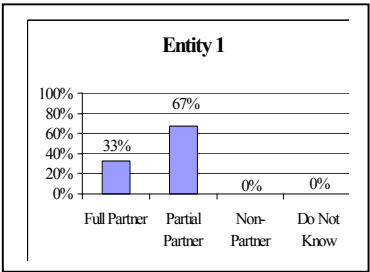


Figure 5 – Role for Headwaters States: By Entity



## **Does the amount of federal funding available to the CBP affect your perspective?**

Only 21 percent of all respondents feel that the amount of federal funding that the Chesapeake Bay Program receives affects their opinion about role the Headwaters States should play in the program. (See Figure 6.)

The committee members most likely to change their views based on funding are those representing the Executive Council. Nearly 50 percent of Executive Council member representatives said that the amount of federal funding would affect their perception of the role that the Headwaters States should play. (See Figure 7.) This is significant because in the previous question regarding Headwaters States roles, the Executive Council had the highest percentage of all committee in endorsing full partner status. (See Figure 4.) It is unclear why the representatives of the Executive Council were more likely to change unless they were looking initially at only at the political benefits and had not calculated the effect of funding impacts.

By entity, only representatives of Entities 2 and 6 felt that funding would affect their views by 33 percent and 40 percent respectively. (See Figure 8.)

### Pertinent Comments

- Yes to the extent that it may affect the amount of dollars that we receive. If dollar amount stays level, then no effect. Also, increase in Congressional delegation could impact the amount the entire Bay Program receives.
- I think we are finding that the dollars available for Bay clean up are not adequate to meet goals. If you add the Headwater states to a static funding pie, it is reduced further. We need to work collectively to increase funding. This won't happen unless the Headwaters States play.
- Yes to a certain degree. I can make the case that if resources to current partner states are reduced that the Headwaters States should not come in. We need to be smart about how we do this. Headwaters States' efforts must make a long lasting difference to the Bay. We need to be inclusive, but smart.
- We have a lot more work to do than we have dollars available. Bay Program dollars are a catalyst for current state funding on Bay issues. If we want them to play we need to provide dollars. However, the efforts for current partner states will go down unless we can increase federal dollars.

Figure 6 – Does Funding Affect Perspective: By All

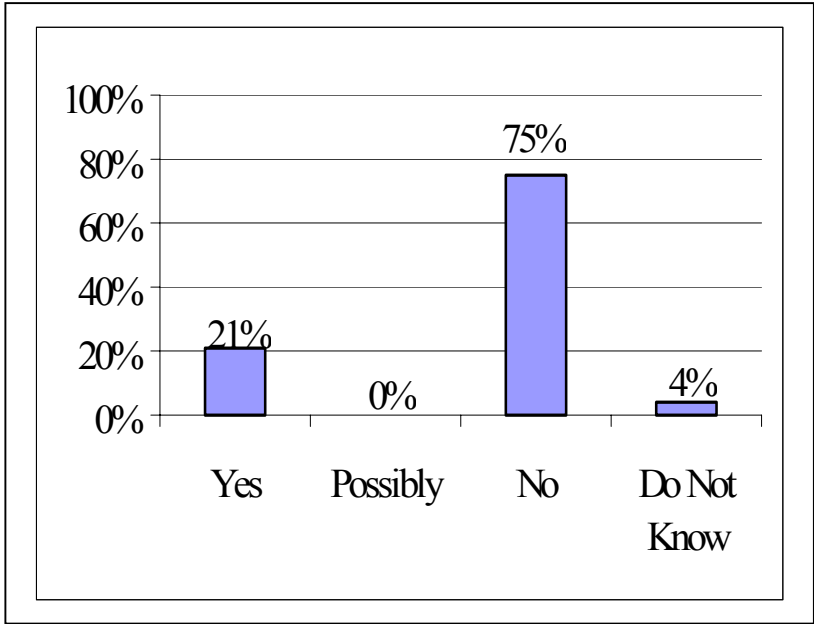


Figure 7 – Does Funding Affect Perspective: By Committee

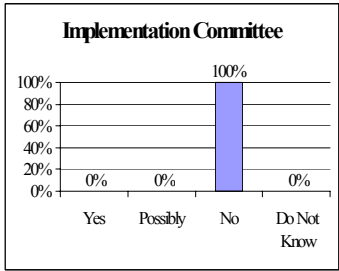
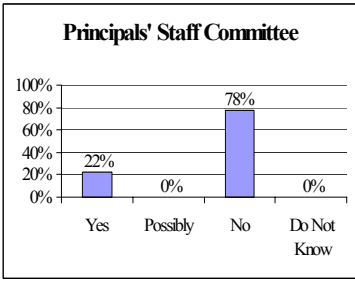
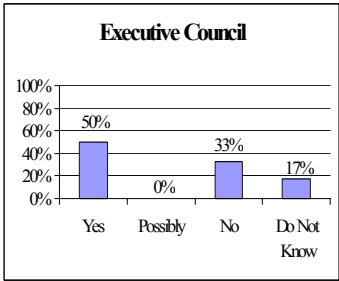
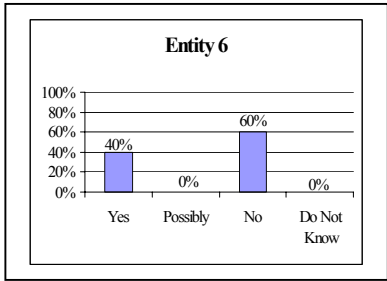
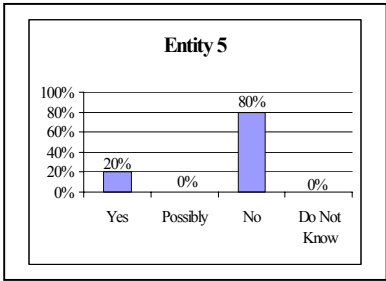
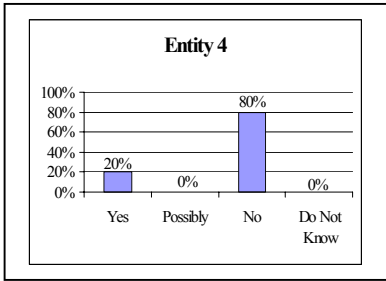
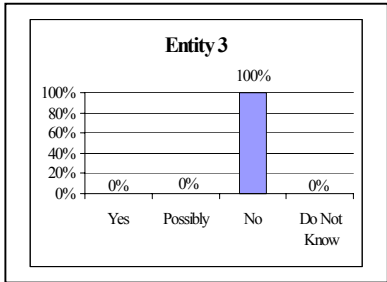
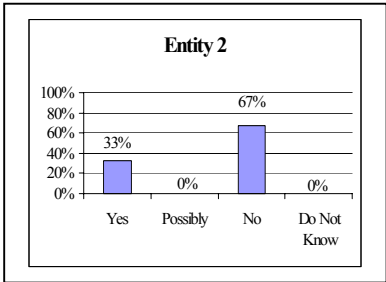
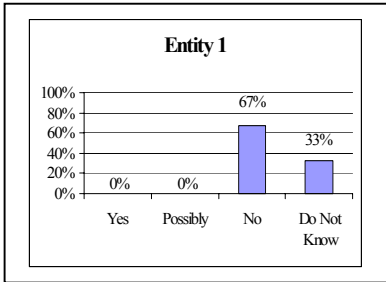


Figure 8 – Does Funding Affect Perspective: By Entity



## **CHESAPEAKE 2000 (C2K)**

### **How do you feel about the Headwaters States' governors signing the water quality MOU?**

By an overwhelming majority, 96 percent of all respondents thought that it was appropriate that the Headwaters States governors signed the water quality MOU. (See Figure 9.) All committees and entities agreed with that assessment 100 percent; however, the Executive Council representatives and Entity 6 endorsed the signing by only 83 percent and 80 percent respectively. (See Figures 10 and 11.)

The positive comments focused generally on the team approach of having everyone in the watershed working toward the same goals. The negative comments from the high ranking officials interviewed centered on their unfamiliarity with the actual commitments in the MOUs that were signed and what the Headwaters States would be doing to fulfill any commitments that they might have made.

#### **Pertinent Comments**

- A wonderful thing; again, they're part of the watershed and this is a watershed program.
- Terrific. Needs to be played up more. The fact that these high level officials signed the MOU is almost a secret. It needs to be highlighted at the next EC meeting.
- Have not seen MOU, so I need to reserve judgment.
- Generally it is a good thing. But what are the expectations? What does this mean? How do we use this strategically?

Figure 9 – Feelings About Headwaters Governors Signing Water Quality MOU: By All

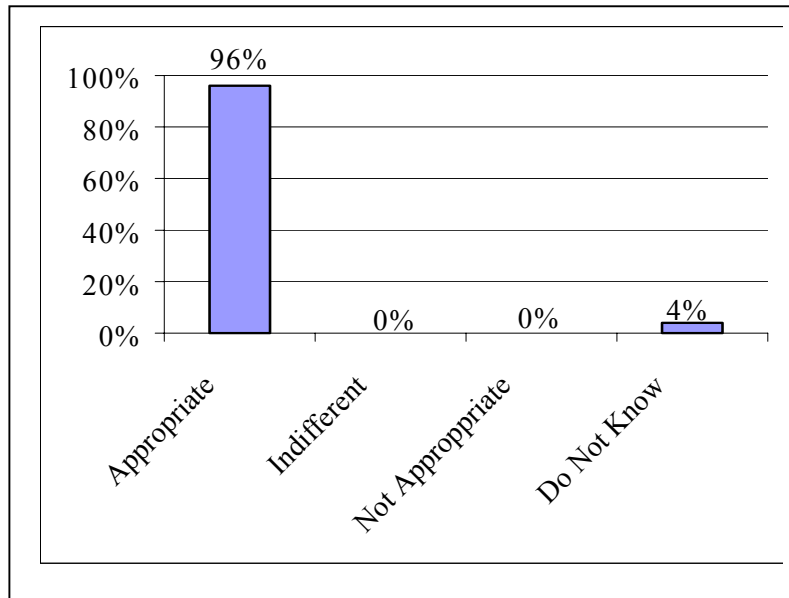


Figure 10 – Feelings About Headwaters Governors Signing Water Quality MOU: By Committee

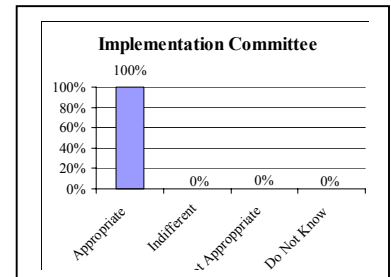
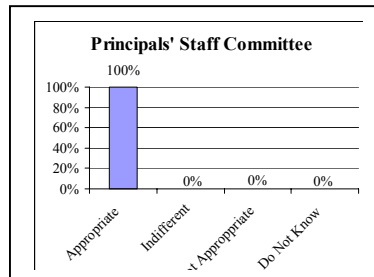
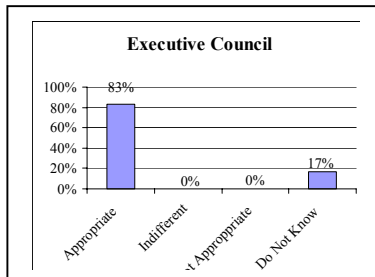
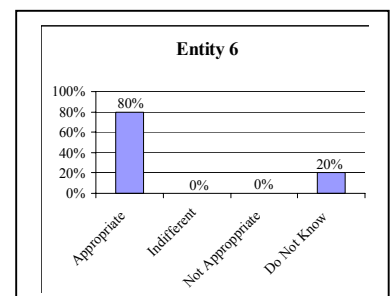
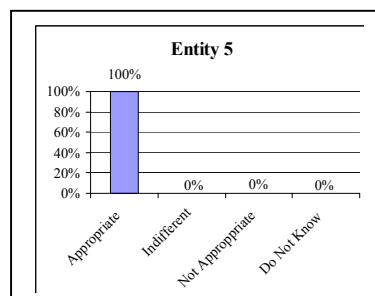
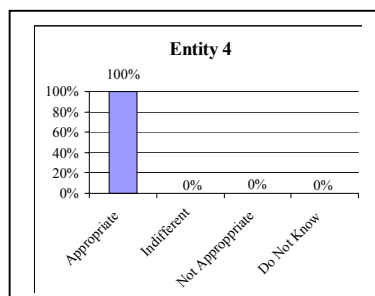
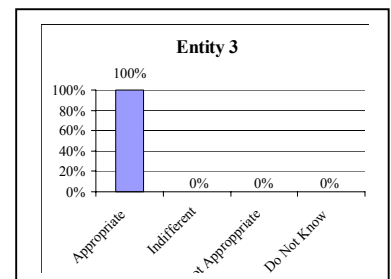
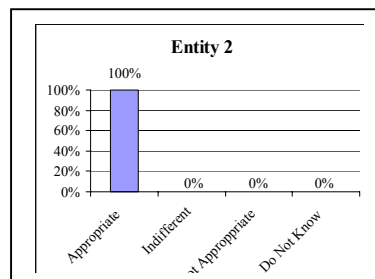
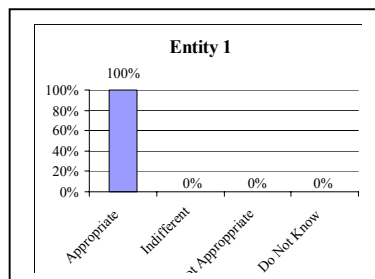


Figure 11 – Feelings About Headwaters Governors Signing Water Quality MOU: By Entity





**Are there other sections of the C2K that might be appropriate for the Headwaters States governors to sign?**

Seventy-one percent of all the interviewees thought that there were other aspects of C2K that would be appropriate for the Headwaters States governors to sign. (See Figure 12.) Only 50 percent of the representatives to the Executive Council felt that way and Entity 3 had the lowest positive response at 33 percent. However Entity 3 also had a very high “possibly appropriate” response of 67 percent for other C2K commitments that the Headwaters States could sign. (See Figures 13 and 14.) Of the ten possible commitments mentioned by all the respondents, the ones referred to most often were: (1) exotic species; (2) fish passage; (3) land use; and (4) water quality. (See Figure 15.)

Figure 12 – Are There Other Sections of C2K Headwaters States May Sign: By

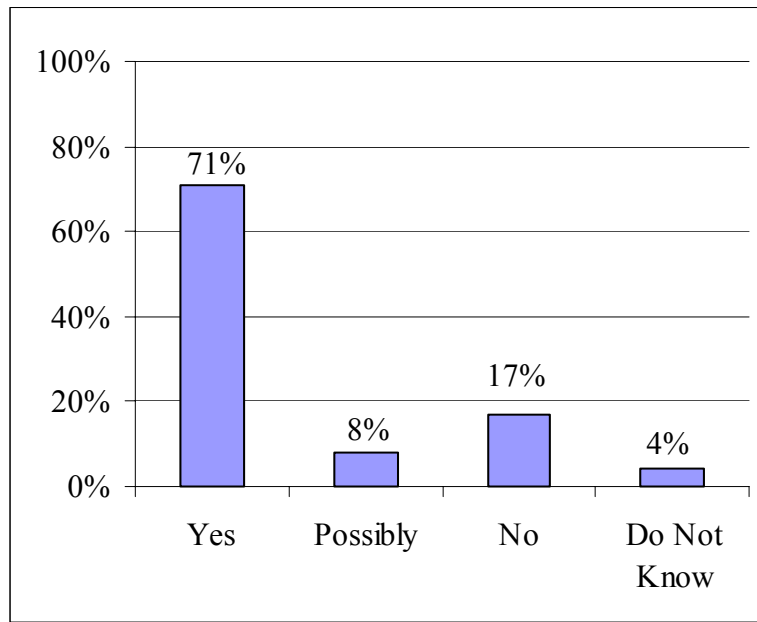


Figure 13 – Are There Other Sections of C2K Headwaters States May Sign: By

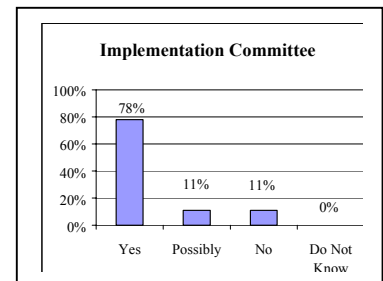
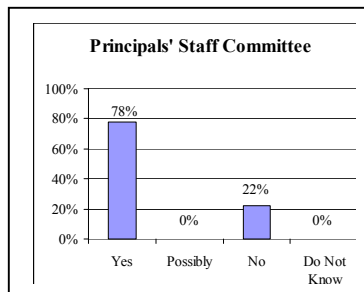
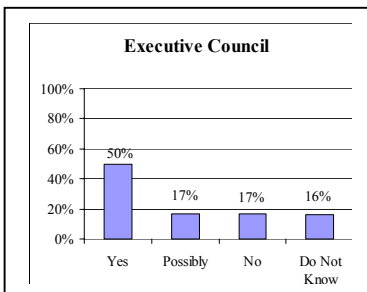


Figure 14 – Are There Other Sections of C2K Headwaters States May Sign: By Entity

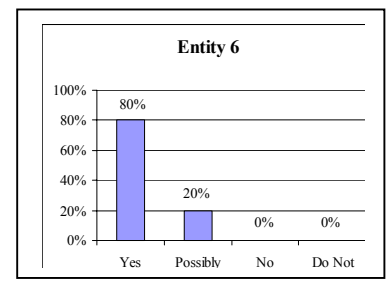
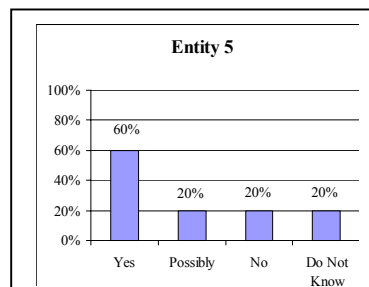
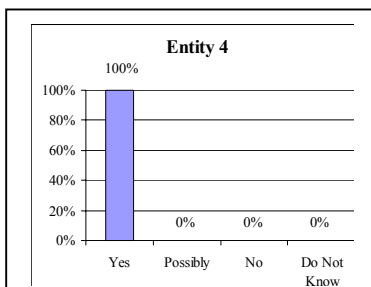
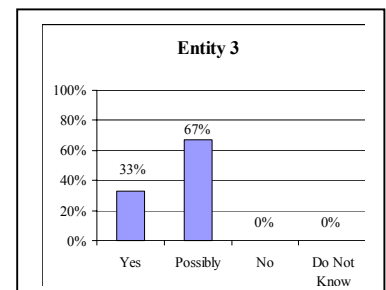
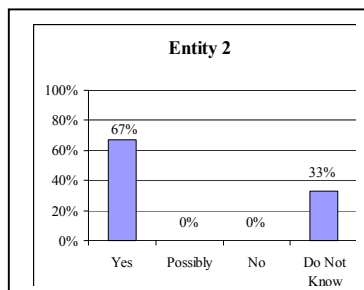
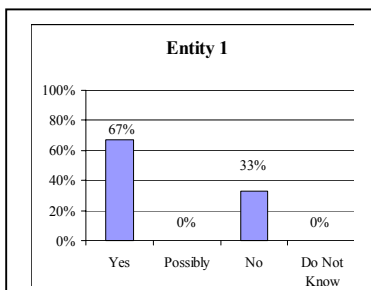
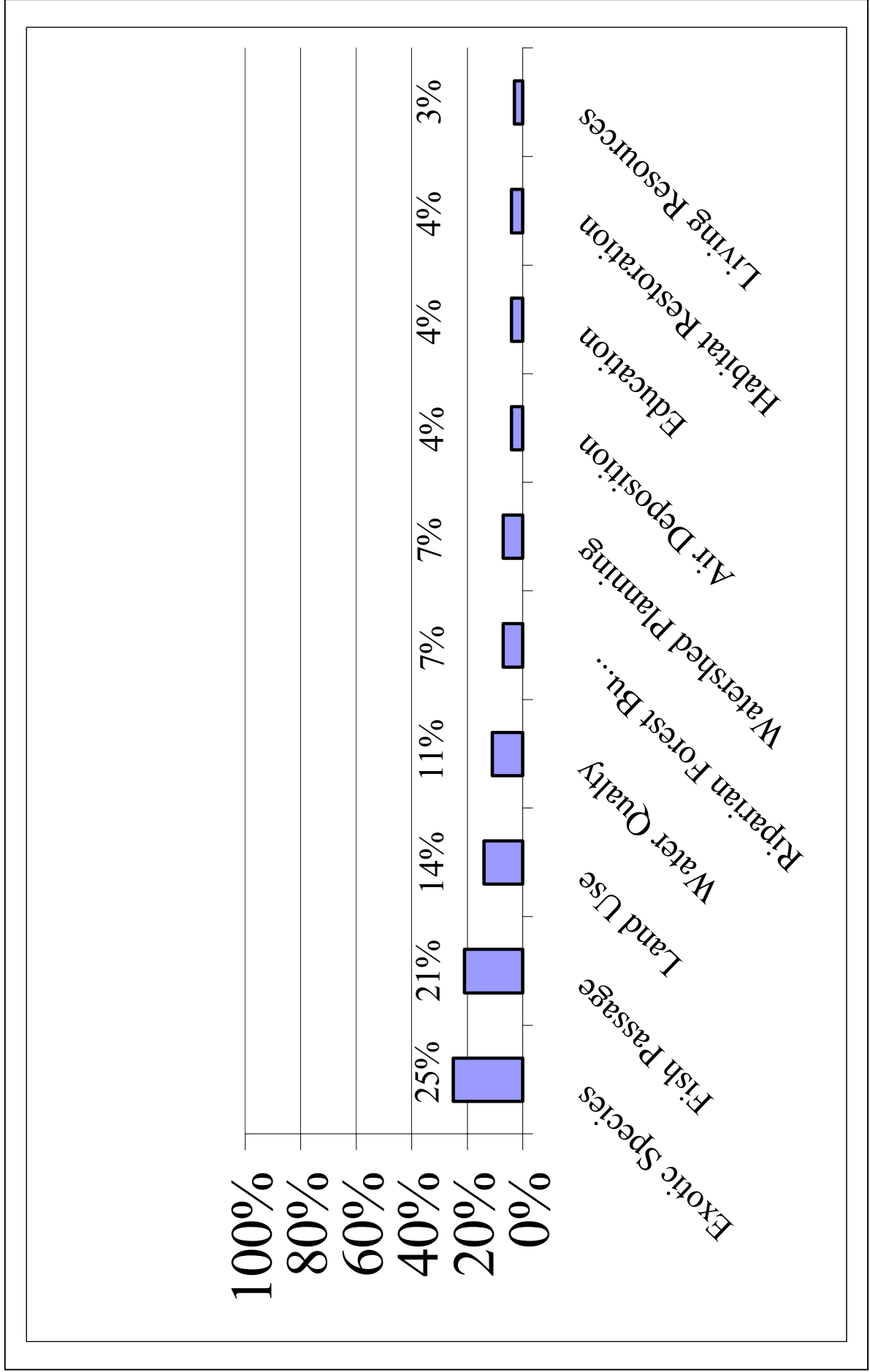


Figure 15 – Are there Other Sections of C2K Headwaters States May Sign: By Topic



## **Would it be appropriate for the governors of the Headwaters States to sign on to C2K in its entirety?**

Only 38 percent of all interviewees felt it would be appropriate for the Headwaters States governors to sign on to C2K in its entirety and half (50 percent) felt it would not be appropriate. (See Figure 16.)

There was not much difference between all respondents and those representing the various committees. (See Figure 17.) However, none of the interviewees from Entity 1 thought it was appropriate, while 60 percent of those from Entity 6 agreed that Headwaters States signing C2K in its entirety would be appropriate. (See Figure 18.)

The positive viewpoint comments regarding the Headwaters States signing on to all of C2K seems to be focused on the team work aspect of having all the states in the watershed working on the issues.

The negative comments are twofold, some covering the policy aspects of the commitments themselves and others looking at the logistics. The policy concerns tend to be expressed by the Executive Council representatives and Principals' Staff Committee members about the interest and validity of the Headwaters States committing to aspects of the agreement that may not directly affect their states. Blue crabs and oysters are two of the living resource areas in which New York and West Virginia would not directly benefit. This, in turn, might lead to a lessening of those commitments and blurring of focus for the Chesapeake Bay Program as a whole. The Principals' Staff Committee and the Implementation Committee members expressed concern about complications of coordinating the logistics and agendas of a larger gubernatorial delegation.

### Pertinent Comments

- Yes. We need full participation and we need their governors' participation.
- Feels C2K is more detailed than a three-state compact should be and is not sure the headwater state governors would want to sign on to it in its entirety; perhaps would be more appropriate for them to sign on when it's amended in the future; a lot of history in each word of the Agreement; would prefer to bring them in on individual commitments.
- If they want to, yes; would be even more difficult to implement the agreement, but if they want to, we should not discourage it; ultimately would be a benefit.
- No. It is not realistic. It would cause damage. It would dilute the focus of restoration efforts.
- No. If you make them full members, it is not viable that they would want to sign on to an agreement that they didn't help negotiate. We may have to re-look to see what they bring that is unique. Not all elements of C2K may be relevant to them and some issues may need to be added, some deleted, some elevated and some downgraded.
- No, it would be a logistical nightmare to add three states; headwater states would have a larger voice in the program, potentially resulting in less aggressive commitments in the future; the Bay Program should target those commitments where headwater state involvement is critical to meeting C2K objectives and develop specific MOUs to address the issue.

Figure 16 – Appropriateness of Headwaters States Signing Entire C2K: By All

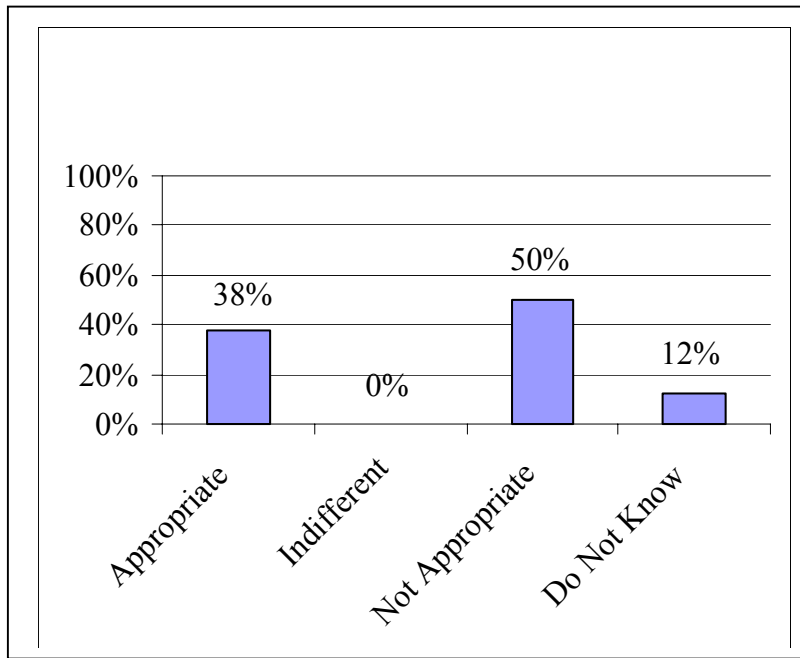


Figure 17 – Appropriateness of Headwaters States Signing Entire C2K: By Committee

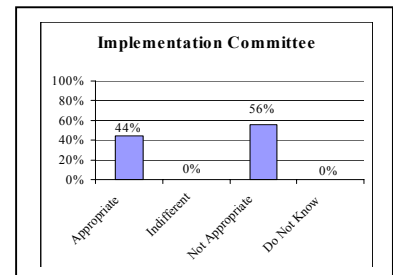
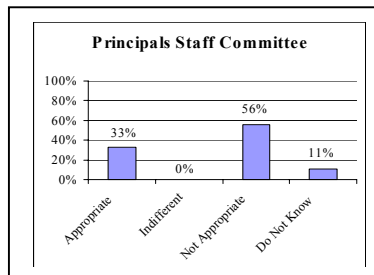
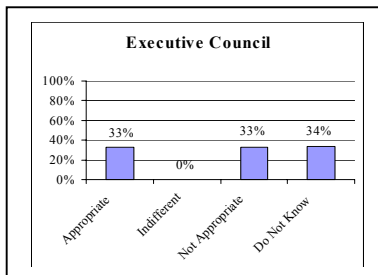
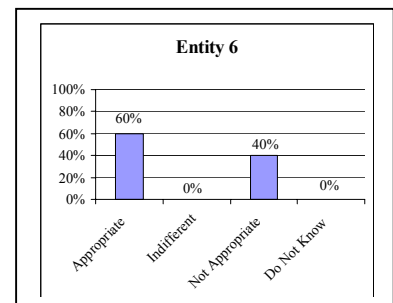
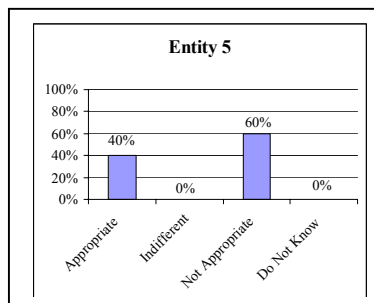
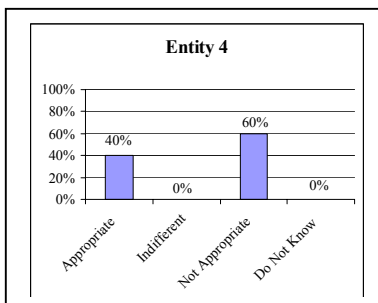
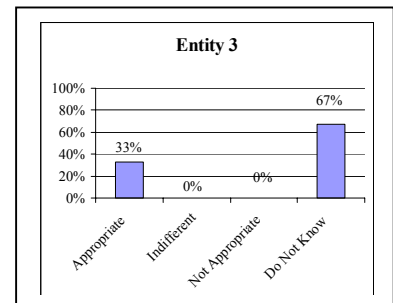
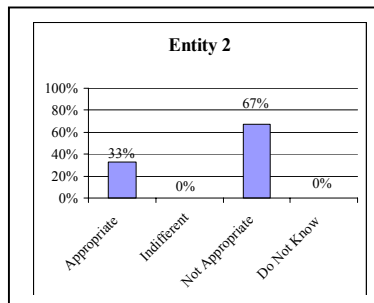
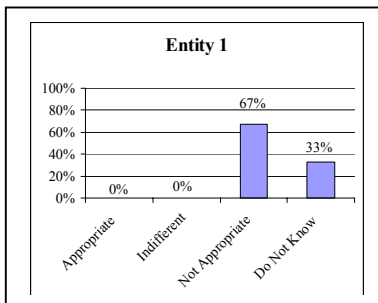


Figure 18 – Appropriateness of Headwaters States Signing Entire C2K: By Entity



## **COMMITTEE/SUBCOMMITTEE REPRESENTATION**

### **How do you feel about Headwaters States having representation on the Water Quality Steering Committee?**

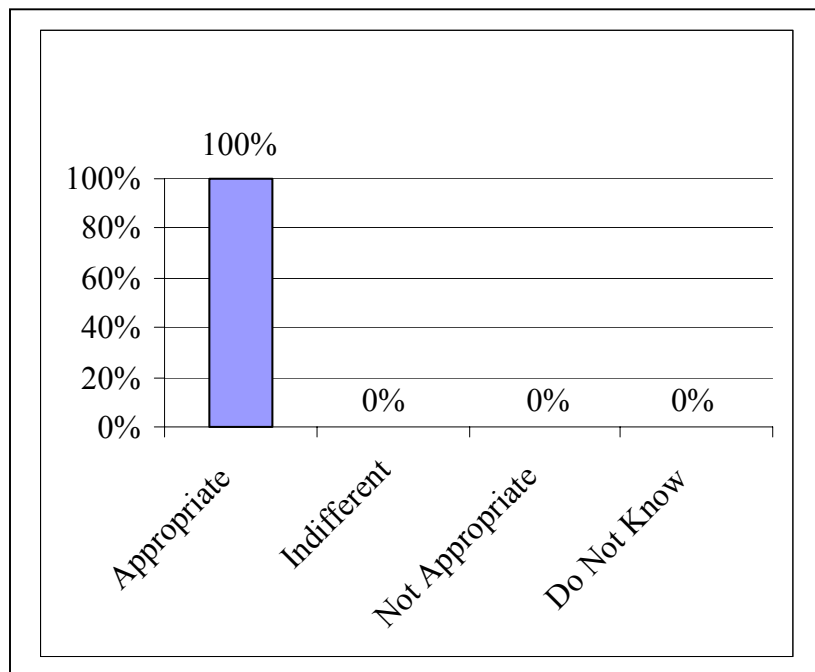
Unanimously, 100 percent of all respondents felt that it was appropriate for the Headwaters State to have representation on the Water Quality Steering Committee. (See Figure 19.) With no disparate views being expressed either by committee or entity, there is no need to show that data via table.

The only somewhat negative views expressed concerned the role of the Headwaters States on the WQSC and what impact that their membership may be having on the business of the committee.

#### **Pertinent Comments**

- It is a good thing.
- It is a positive step.
- Essential.
- Appropriate.
- They are on it and they have to be. We need to value the opportunity.
- It is only fair and it is very helpful. But the bureaucracy is becoming unmanageable. Load allocation is a case in point.
- I feel okay about it even though I don't have intimate knowledge of the committee and its work on regulation. I would want to be careful that the ultimate decisions of the committee have careful consideration by the primary members and their participation isn't hurting the committee in doing its work and meeting its goals. I think it is appropriate, but I am not sure how they affect the outcomes.

Figure 19 – Feelings About Headwaters States Representation as WQSC: By All



**Are there any circumstances under which it would be appropriate for Headwaters States representatives to become members of other CBP subcommittees?**

Overall, 88 percent of all interviewees felt it would be appropriate for the Headwaters States to have representation on other Chesapeake Bay Program technical subcommittees. (See Figure 20.)

This ranges from 78 percent to 100 percent approval by committee (see Figure 21) and by entity it is evenly split with Entities 1 through 3 expressing 100 percent approval and Entities 4 through 6 indicating 80 percent approval. (See Figure 22.)

The major caveat to Headwaters States participation in other technical subcommittees is that many feel those states should have made a significant commitment to the C2K goals being addressed by the subcommittee. This commitment may be made by the governor or by a cabinet level secretary.

Both those who endorse and those who oppose Headwaters States involvement on CBP subcommittee agree that Headwaters States have to self-select the subcommittees that make sense to them and their state's interest. However, of those who oppose across the board Headwaters States subcommittee representation, they are concerned about how much those states can contribute and accomplish if their resources are spread so thinly across the multitude of CBP subcommittees. In addition, they are generally concerned about the current bureaucracy of the CBP and feel that the Headwaters States may just add to an already less than tenable situation.

Pertinent Comments

- Representation on all subcommittees good.
- No problem, it is an open process. It should be expected that they will participate where the level of interest is.
- They should be involved where it make sense to them. However, lower level staff should only be involve if their cabinet secretaries are.
- They would need to be tied to commitments by governors.
- Their participation should be limited and tied to specific C2K commitments. Appropriate commitments might be watershed management, nutrient loading and fish passage/management. These should be precisely agreed to in a separate MOU. If there were something beyond these three areas it would be hard to accomplish. It is a mistake to bring people in beyond what they can accomplish.
- Don't think so; if we need their perspective, fine to have their participation but not as actual members; knowing that many big picture decisions are made at the lower subcommittee and workgroup levels or at least influenced, I wouldn't want headwater states adding to that influence, if not full partners.
- I am not supportive of across the board participation. They need to be used strategically and we need to figure out what their contributions would be. Frankly, there are too many committees right now and too many folks on each committee.



Figure 20 – Appropriateness of Headwaters States Representation on Other Technical Subcommittees: By All

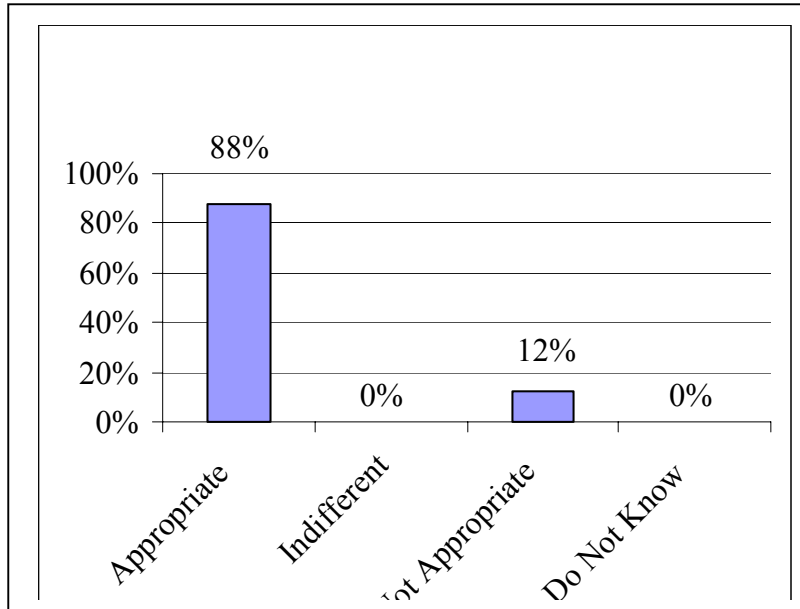


Figure 21 – Appropriateness of Headwaters States Representation on Other Technical Subcommittees: By Committee

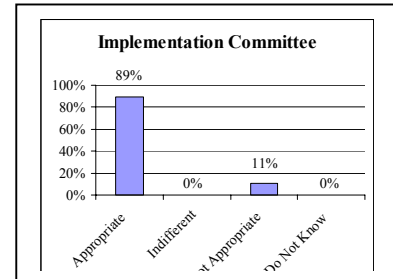
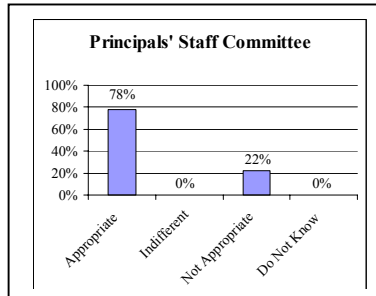
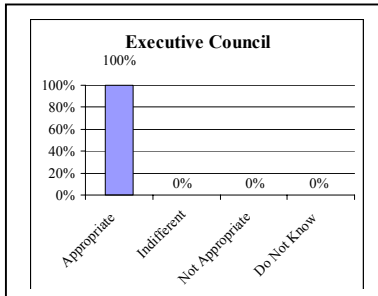
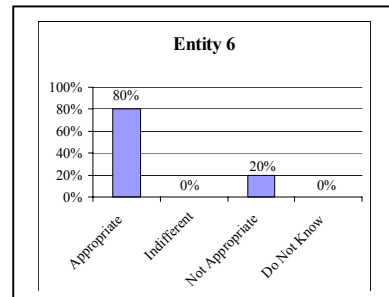
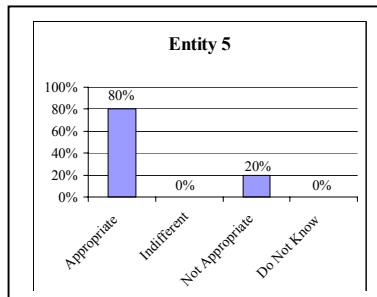
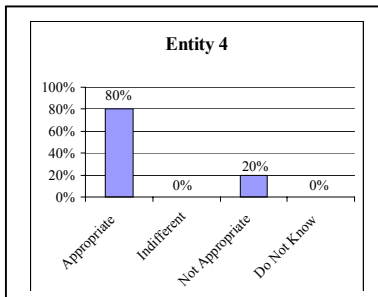
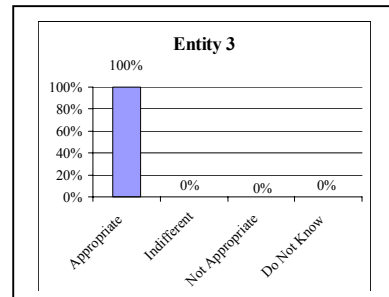
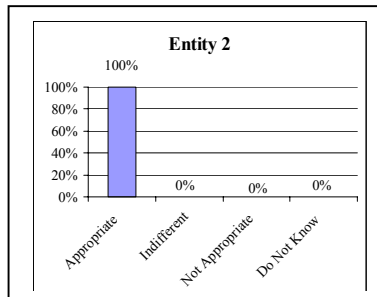
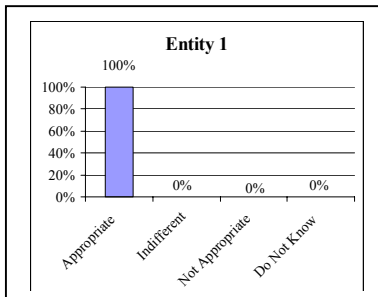


Figure 22 – Appropriateness of Headwaters States Representation on Other Technical Subcommittees: By Entity



**Are there any circumstances under which it would be appropriate for Headwaters States representatives to become members of the Budget Steering Committee (BSC) and the Implementation Committee (IC)?**

A total of 83 percent of all respondents felt that it may be appropriate for Headwaters States to have BSC and IC representation. (See Figure 23.)

While committee representatives registered approval of this concept between 78 and 89 percent (see Figure 24), the various entities thought it was appropriate between 60 and 100 percent. Entity 6 expressed the lowest approval for Headwaters States having BSC and IC representation by 60 percent. (See Figure 25.)

For those who approve of Headwaters States representation on the BSC and IC, the major criterion for inclusion is the commitment of the Headwaters States governors to C2K goals in their entirety.

The interviewees who were opposed to Headwaters States sitting on the BSC and IC expressed this feeling for both voting membership and observer/guest membership. They were concerned about how those states votes may alter funding and policy decision and at the same time felt that Headwaters States could adequately express their views through technical subcommittee representation.

Pertinent Comment

- If they sign the entire agreement, they should become BSC and IC members.
- It should be tied to adoption of commitments by governors. It goes as part of the package. One either comes into the program or not.
- Governors would have to sign agreement first and there may be re-alignment of goals. Otherwise, BSC, IC and PSC representation may shift goals from current EC without sufficient dialogue among the EC.
- I would want them at the table to put forth positions and facts and to ensure equitable share of responsibilities. As long as WQSC is in existence it should be main vehicle for involvement. It is not need for observer status or for items not involved in.
- Don't think it is worth it to have them on it. Maybe as guests or dealing with specific issues.
- No. They should not be full participants in management of the watershed. They don't have a comparable stake. Maryland and Virginia have so much at stake. Don't even consider.

Figure 23 – Appropriateness of Headwaters States Representation in BSC and IC: By All

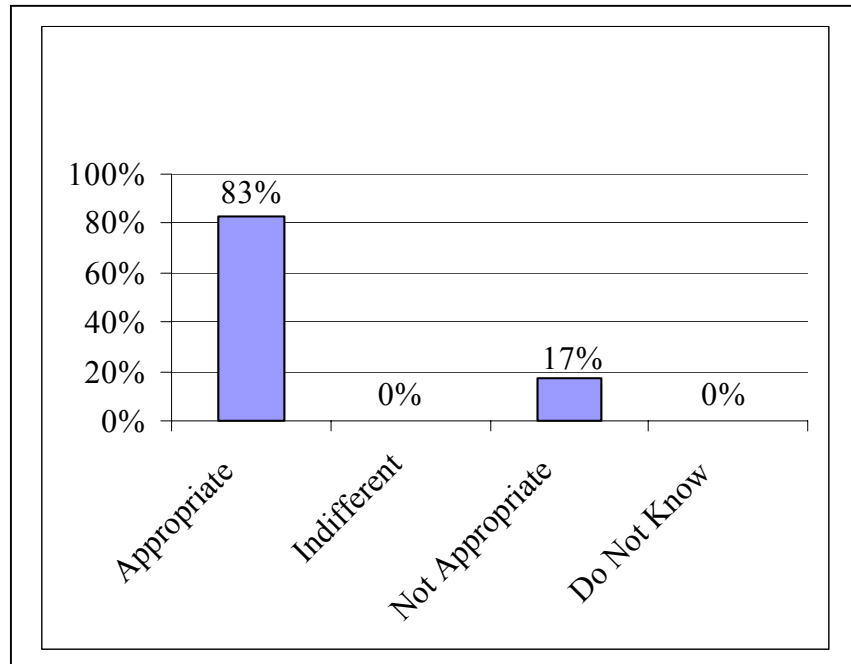


Figure 24 – Appropriateness of Headwaters States Representation on BSC and IC: By Committee

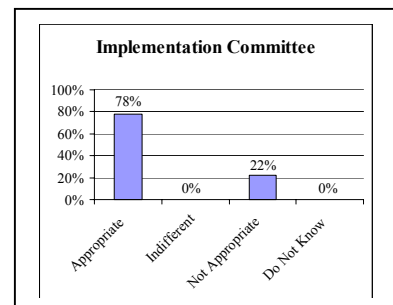
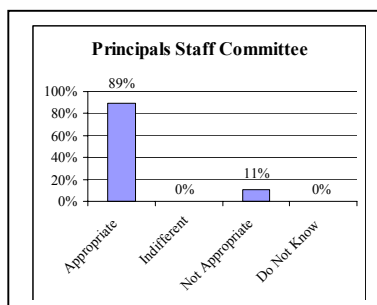
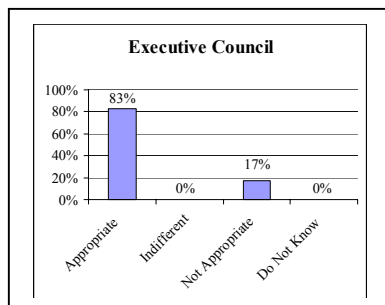
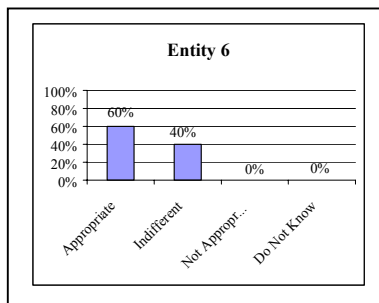
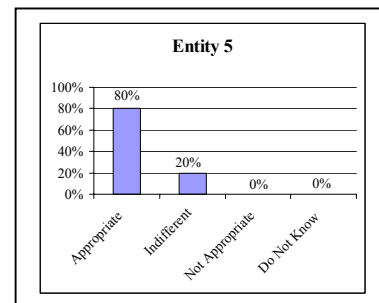
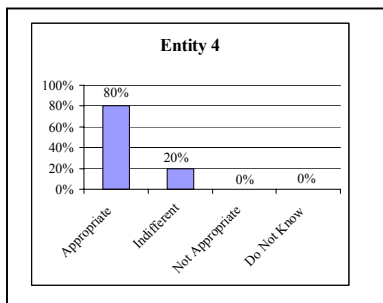
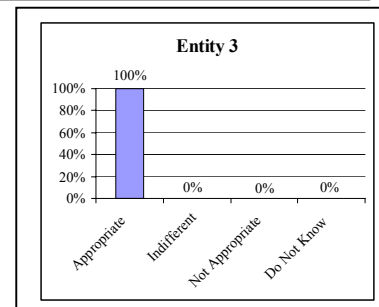
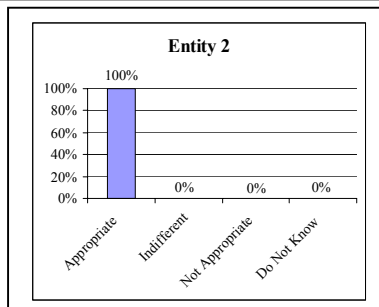
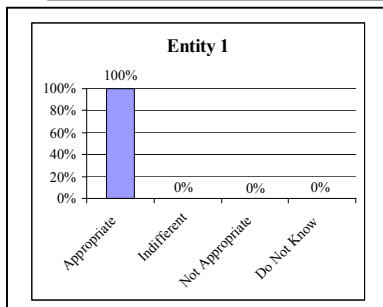


Figure 25 – Appropriateness of Headwaters States Representation on BSC and IC: By Entity



**Are there any circumstances under which it would be appropriate for Headwaters States representatives to become members of the Principals' Staff Committee (PSC) and the Executive Council (EC) as well as have members serving on the Citizens Advisory Committee, Local Government Advisory Committee and Scientific and Technical Advisory Committee?**

Sixty-three percent of all respondents were supportive of Headwaters States representation on the PSC and EC, while 29 percent were opposed. (See Figure 26.) This is a pretty significant drop from the 88 percent and 83 percent who supported technical subcommittee, BSC and IC membership. (See Figures 20 and 23.)

Fifty percent of the Executive Council representatives fully support Headwaters States inclusion, however, an additional 33 percent are indifferent to the concept and only 17 percent oppose it. (See Figure 27.) The real strong feeling opposed to the Headwaters States serving on the PSC and EC comes from Entity 1, where 67 percent are opposed, and Entities 4 and 6, where only 40 percent are in favor of this strategy. (See Figure 28.)

As with the BSC and IC members, many who support Headwaters States participation at the PSC and EC level feel that those governors should sign C2K in its entirety and that they should be full members. There are those who feel that getting buy-in at the gubernatorial level is important enough that some level of membership should be extended even if the governors have signed an MOU. However, this membership may be just to provide advice and counsel, and would not have the benefit of a vote on either body.

Those opposed are split again between policy issues and logistics. Some believe that the Headwaters States do not have the same stake in CBP issues and might dilute the efforts that the current states are undertaking. Other are more pragmatic and are concerned about how one deals with agendas and logistics involving three more governors. They are already challenged sufficiently with the current composition of the EC.

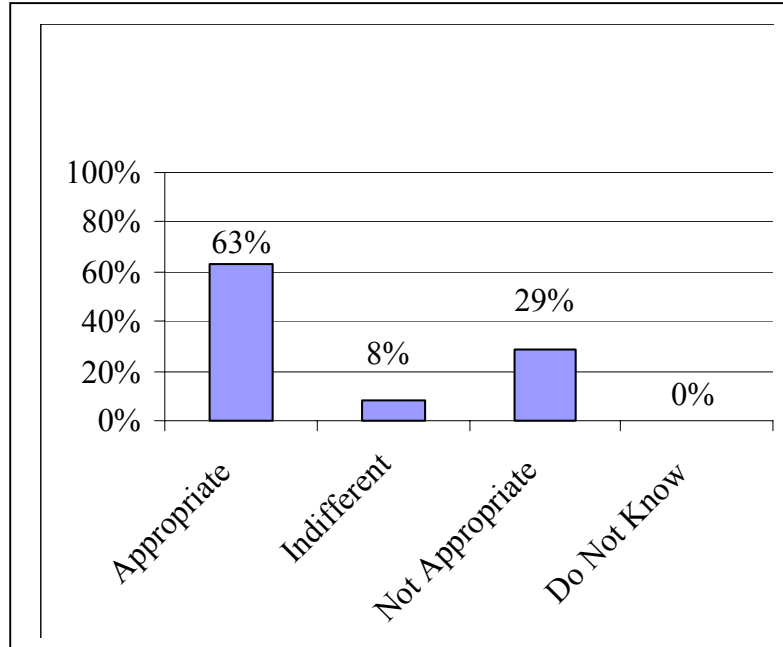
Pertinent Comments

- If they sign entire C2K, they should serve.
- If they sign C2K they are EC members. There can be no middle ground.
- It is only fair as long as they are committed to resolving problems.
- Yes. I have difficulty seeing how they play in having a significant impact without having them on the EC and PSC. We must be inclusive. We must get over the fears of some that we will lose control.
- It is hard to say. We need to engage the Headwaters States at the highest levels. If the governors and cabinet level secretaries were involved and the expansion of the C2K to include them was deemed important, then I would say yes to get greater a buy-in.
- If it were decided that Headwaters States governors would join, it would be difficult to put together an agenda. This would result in the majority of EC members having a low level of interest in Bay issues.
- As for advisory committees, no - don't think so because most of their discussion issues seem to be more germane to the citizens, local governments, etc. that are closer to the Bay; feels adding headwater state reps would be a waste of their time. On the other hand,

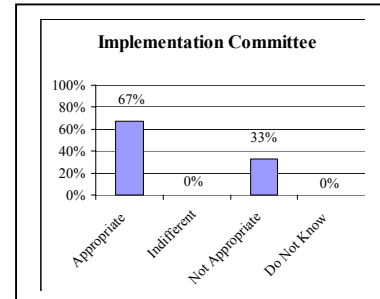
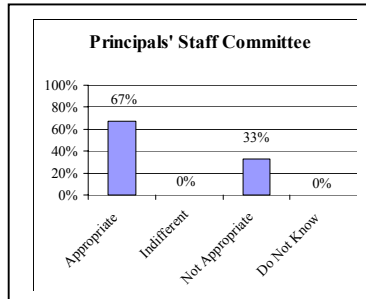
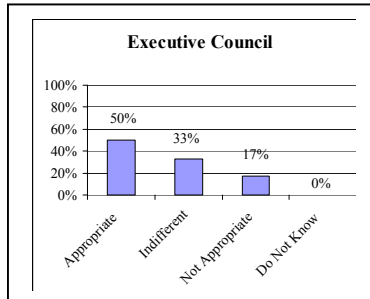
if the Headwaters States want to sign on to any or all of the commitments, they need to be part of the program and at the table.

- For PSC or EC, no, unless full members; as for advisory committees, if addressing specific MOU tasks or interested in the issues, let them get engaged – they always can provide counsel in discussions, but they should have no voting privileges.
- No. They should not be full participants in management of the watershed. They don't have a comparable stake. Maryland and Virginia have so much at stake. Don't even consider.

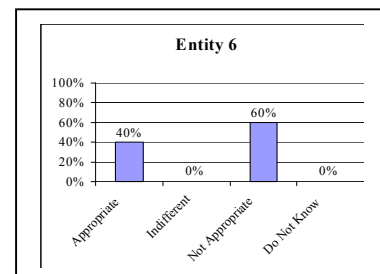
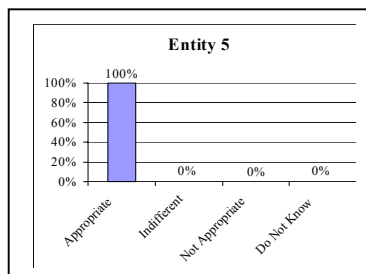
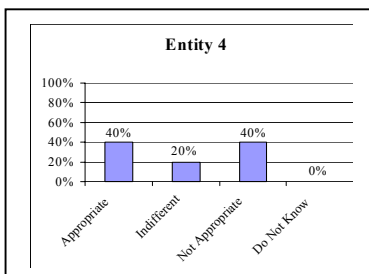
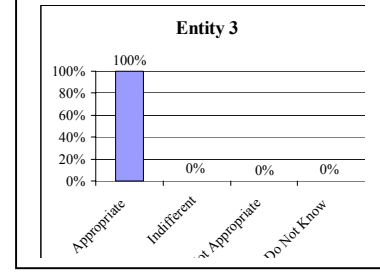
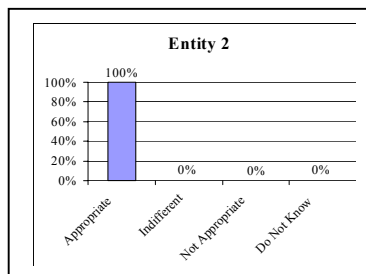
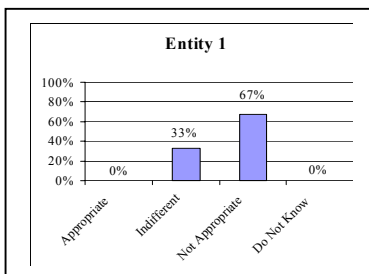
**Figure 26 - Appropriateness of Headwaters States Representation on PSC and EC as well as Making Advisory Committee Appointments: By All**



**Figure 27 – Appropriateness of Headwaters States Representation on PSC and EC as well as Making Advisory Committee Appointments: By Committee**



**Figure 28 – Appropriateness of Headwaters States Representation on PSC and EC as well as Making Advisory committee Appointments: By Entity**



**Are there any instances where partial membership at the EC level or on the various committees/subcommittees would be appropriate (e.g., Headwaters States votes would be some fraction of current partners or Headwaters States representatives would abstain from voting on certain issues where they may not have made commitments)?**

A total of 58 percent of the interviewees felt that partial membership by the Headwaters States was appropriate. (See Figure 29.) While this is not too much different from the 63 percent that supported full membership (see Figure 26), the committee and entities supporting and opposing partial membership are significantly different from those supporting and opposing full membership.

Executive Council representatives who were in favor of full EC and PSC membership by 50 percent were supportive of partial membership by 83 percent. (See Figure 30.)

Entities 4 and 6, which had only 40 percent of their members endorsing full EC and PSC participation by the Headwaters States, each had 80 percent approval of partial membership. Entities 2 and 5, which supported full membership by 100 percent, dropped their endorsement of partial membership to 33 percent and 40 percent respectively.

Those who are supportive of partial membership see value in having the Headwaters States governors and cabinet level officials working in concert with the current full partners. There is a concern that the partial membership be constructed in such a way that it is respectful of Headwaters States leadership and that it not be viewed in a “stepchild” or demeaning way.

Others see partial membership as a strategy to getting full buy-in at a later date from the Headwaters States. Therefore, it is an interim step to build relationships with Headwaters States leadership in addressing Chesapeake Bay watershed issues. The relationship development inherent in a partial membership status will give the current partner states a comfort level later in bringing the Headwaters States on as full members.

Those opposed to partial members see the difficulty in devising a partial membership strategy that is not demeaning to the Headwaters States and in most cases are supportive of full membership. Others who are not in favor of this strategy are concerned about the day-to-day logistics of this type of membership and how it might function. They feel it does not set up a clean bureaucratic structure.

#### Pertinent Comments

- We can't act like a private club. We can't let in these states only under our terms. These states need to join by self selection.
- Yes this is good approach. Start as high as you can and get buy-in there first, rather than adding lower level staff to committees without higher level commitment. This makes sense.
- It may be possible and the program would be strengthened by more involvement. We need to explore how to maintain over time as people and situations change. We would need to explore ways so that it would not be demeaning.
- Possibly, but only as an interim step. Governors must get together on an equal footing.

- There are pluses and minuses to branching out and it would require some serious discussions to determine level of involvement; might sound good in the newspapers to add their involvement, but headwater states would have very different levels of interest in Bay issues, whereas the three principal states are very keenly affected by the Bay's problems; would make structure more complex.
- The current process that is in place is partial membership and I have no problem with that. It doesn't make sense to bring on NY and WV as full members.
- No, it is too confusing and can lead to misunderstandings. It is not a clean bureaucracy.
- Headwaters States should be second tier members and involved only on an as needed basis.



Figure 29 – Appropriateness of Headwaters States Being Partial CBP Members: By All

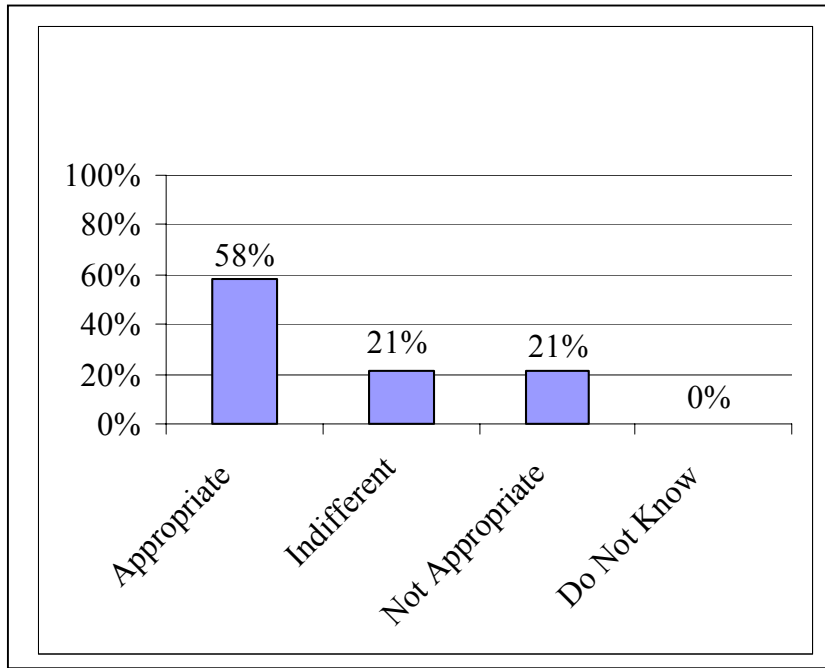


Figure 30 - Appropriateness of Headwaters States Being Partial CBP Members: By

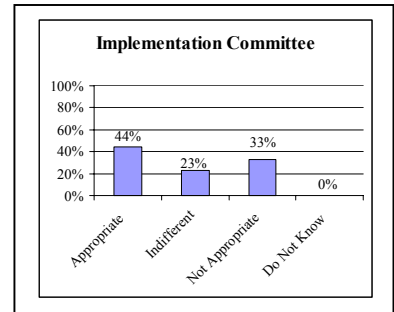
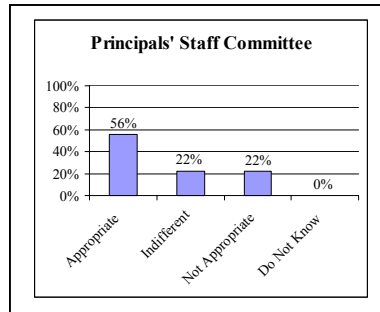
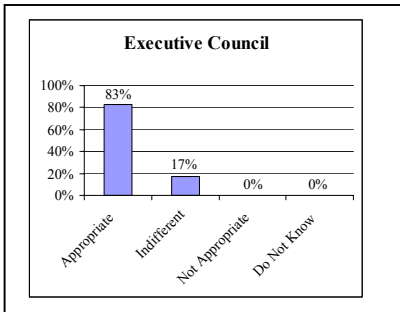
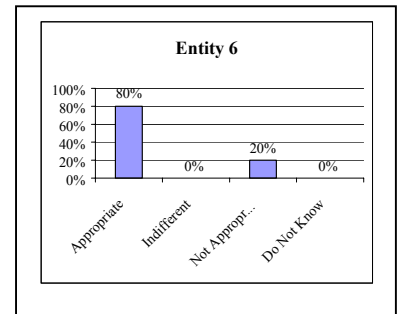
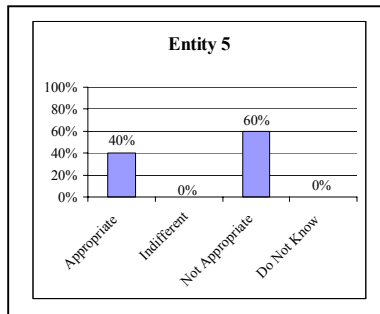
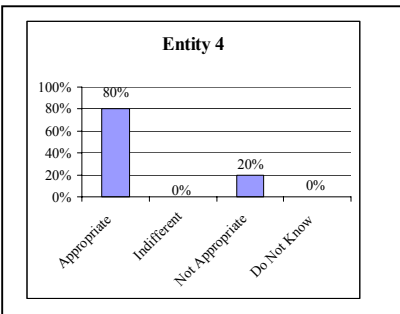
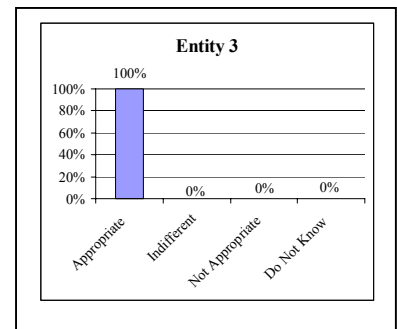
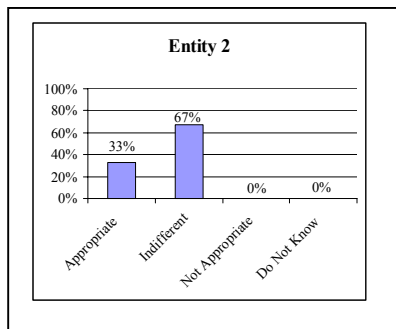
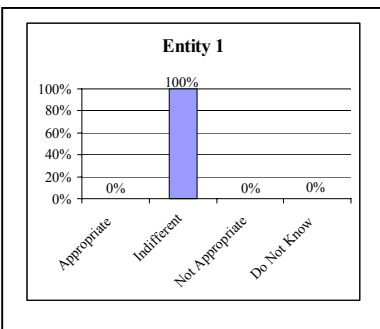


Figure 31 – Appropriateness of Headwaters States Being Partial CBP Members: By Entity



## **What are your feelings about the level of funding of the Headwaters States grants?**

Approximately 58 percent of the all the respondents believe that the level of funding being provided to the Headwaters States is appropriate. (See Figure 32.)

While only 17 percent of Executive Council representatives felt the level of grants were appropriate, the vast majority, 66 percent did not know if the grant amounts were appropriate or not. (See Figure 33.)

Entity 1 had the lowest approval of Headwaters States grants with zero percent finding them appropriate, 33 percent finding them inappropriate and 67 percent not knowing whether they were adequate or not. Entity 4 only endorsed the grant level by 40 percent, while Entity 3 and Entity 6 thought they were appropriate by 100 percent and 80 percent respectively. (See Figure 34.)

Overall, the current partners have little information about the amount of funding being received by the Headwaters States or the initiative they are pursuing. This came as a disadvantage for the current partner states in assessing the adequacy or appropriate level of the Headwaters States grants.

Without a lot of knowledge about the Headwaters States grants, many of the current partners believe that the level of funding should reflect the contribution, or potential contribution, that the Headwaters States are making to water quality gains in the Chesapeake Bay watershed.

Even those who were supportive of the Headwaters States grant felt the funding may have come out of the wrong CBP funding stream. Current partners would have preferred that their implementation grants would not have been cut and that the Headwaters States would have been funding out the pool reserved for competitive projects.

### Pertinent Comments

- We can live with the current proposal. Increase funding to the Bay Program would increase my comfort level.
- Don't know how they're using the current \$250K, so can't comment if it's adequate. Not interested in quibbling over \$ taken from 3 states.
- Funding levels should be compared with that proportion of the nutrient loading they are contributing and what the potential benefits are.
- It is a good start and it makes sense to continue this level of commitment. However, being funded out of the state implementation grants is the wrong pot of money. It should have come out of the competitively bid project pool.
- Current partners have program dollars divided 30-30-30-10. To the extent that nutrient load reduction may be about right proportion to their contribution to the problem, this may be good as a starting point.
- Would not have given them direct grants but dollars for certain projects or a lump sum to fund staff, travel, etc. related to commitments; should fund projects competitively.

Figure 32– Feelings about Level of Headwaters States Grant: By All

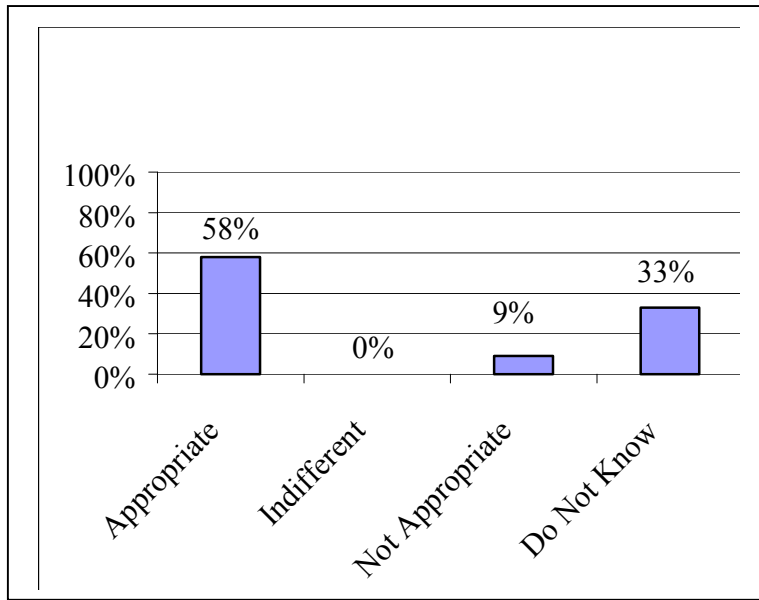


Figure 33 – Feelings About Level of Headwaters States Grants: By Committee

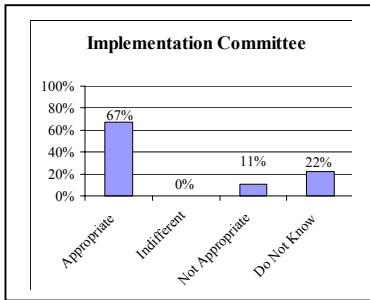
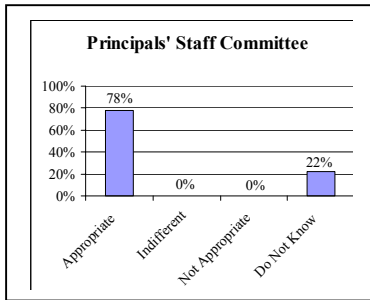
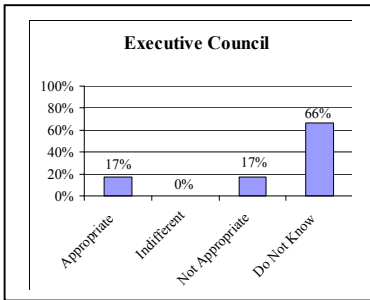
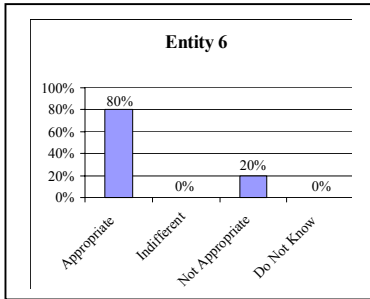
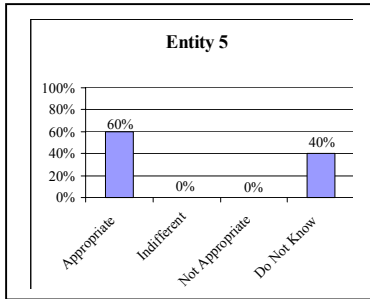
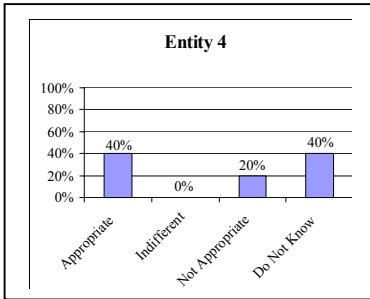
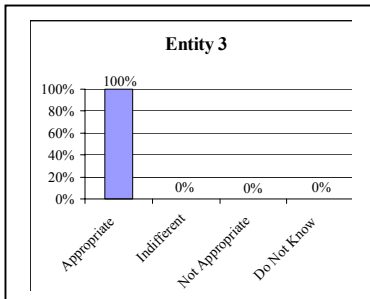
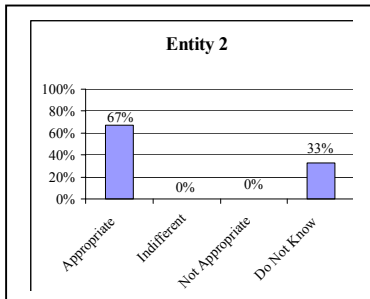
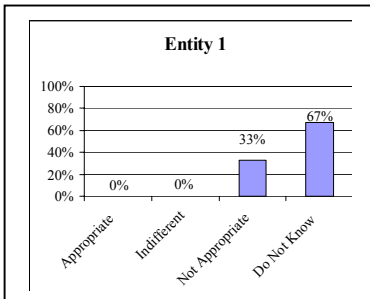


Figure 34 – Feelings About Level of Headwaters States Grant: By Entity



## **Under any circumstances should the Headwaters States grants be increased or decreased in future years?**

A total of 71 percent of all interviewees felt that Headwaters States grants may need to be increased or decreased in future years. (See Figure 35.)

By committee, this ranges from 33 to 89 percent favoring alterations to Headwaters States funding in future years. (See Figure 36.)

Only Entity 2 has a zero percent approval rating for adjustments in future years and a 67 percent response that no increase or decrease is necessary. (See Figure 37.)

Many of the respondents felt that any increase or decrease should be based on merit and measured by how well the Headwaters States fulfill their existing commitments. However, these feelings are also tied to the Headwaters States impact on the overall funding received by the CBP. If the Headwaters States can help increase overall CBP funding and they are fulfilling nutrient reduction goals, many feel that increased grants are warranted.

Still, the knowledge of the programs being initiated by the Headwaters States is somewhat limited among the current CBP partner leadership. This hampers some of the respondents in being able to judge the merit of Headwaters States activities.

### Pertinent Comments

- Again, not sure what projects or programs are being funded with current allocations, but if they sign on to accomplish commitments, then have no problem increasing allocations to help them get the job done.
- Funding levels should be compared with that proportion of the nutrient loading they are contributing and what the potential benefits are.
- Decrease the dollars if they don't step to the plate and show progress on what they've done with the money; increase dollars if they can get overall budget increased and/or if CBP feels their contributions to the goals are significant.
- Possibly, but we would have to look at dollar allocation vis-à-vis load allocation. It can't be characterized as either high or low. We need to look at what is expected in relation to other states.
- If Congress authorizes additional funding, funding levels should be proportional to their nutrient loading to the Bay; okay for dollars to go toward fulfilling anything under C2K . Funding should be decreased if jurisdictions do not fulfill commitments in the MOU; cost effectiveness is an issue because of their distance from the Bay (more cost effective if closer to the Bay).
- Not unless the Bay Program dollars increase. And more dollars would be spent on what? I would question whether it just got sucked into the Headwaters States regulatory programs. What is the accountability?

Figure 35 – Should Headwaters States Grants Be Increased or Decreased:

By All

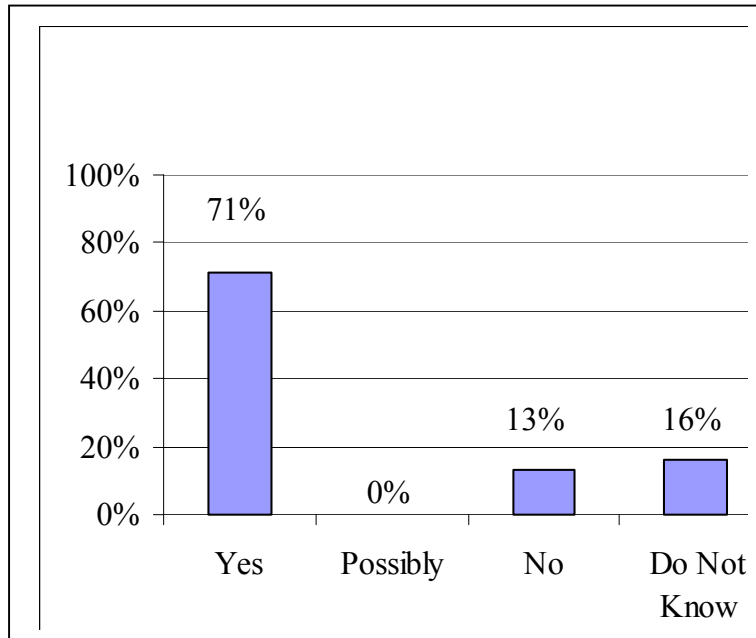


Figure 36 – Should Headwaters States Grants Be Increased or Decreased: By

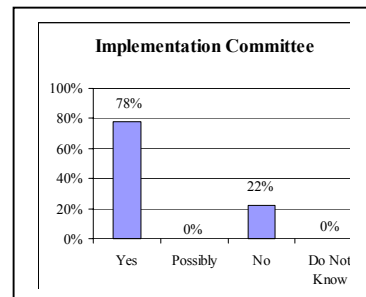
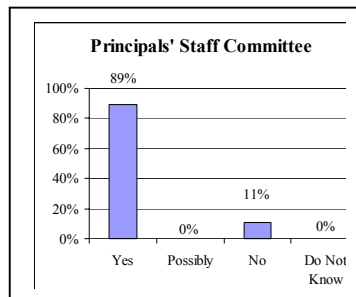
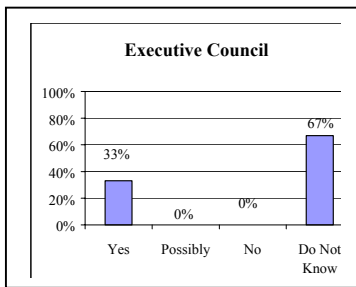
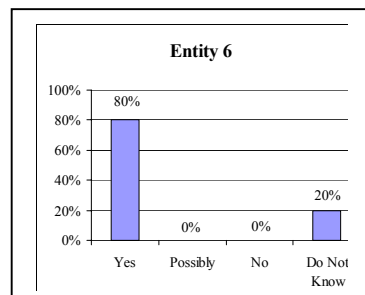
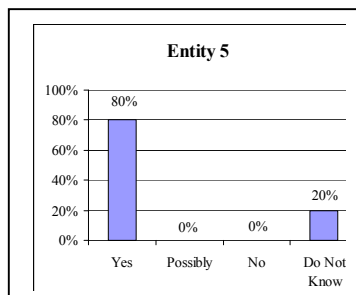
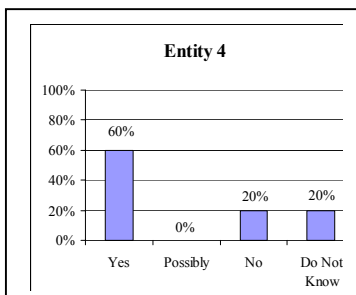
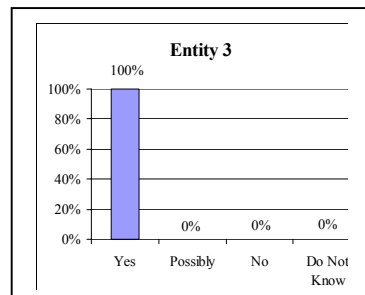
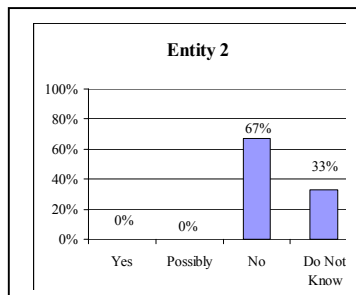
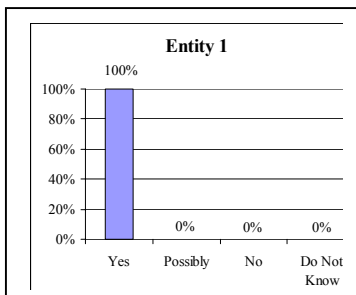


Figure 37 – Should Headwaters States Grants Be Increased or Decreased: By Entity



## **Under any circumstances should the Headwaters States receive full implementation grants (currently \$2.3 million each with 100 percent match)?**

Only 50 percent of all interviewees felt that that Headwaters States should ever receive full implementation grants. (See Figure 38.) This is a dramatic drop compared to the 71 percent that thought that their grants should increase or decrease in future years. (See Figure 35.)

While committee approval for full implementation grants for Headwaters States ranged from 44 to 56 percent (See Figure 39), the percentage of approval by entity ranged from zero to 100 percent. Respondents from Entities 2, 3 and 5 all saw circumstances at 100 percent where Headwaters States would receive full implementation grants. Respondents from Entities 1 and 6 saw circumstances at zero percent that would warrant full implementation grants, while Entity 4 saw it at 20 percent. (See Figure 40.)

The primary condition for those that may support full implementation grants is that the Headwaters States sign C2K in its entirety. Many, however, do not feel that where the CBP program is right now that it could sustain funding three more state implementation grants without jeopardizing current momentum of the region-wide program as well as current partner programs.

For those opposed to full implementation grants there is a lack of knowledge of what the Headwaters States are currently doing with their grants. In addition, there is a feeling that current partners, especially Virginia and Maryland, have more to lose if the CBP efforts are not successful.

### Pertinent Comments

- If they signed the entire agreement they should get entire grant.
- If they sign on as full partners, then yes, full implementation grants should be considered; don't see why not if this approach was used in giving implementation grants to the existing three states.
- Not right now; I don't see where the three headwater states have activities on par with meeting the goals of the CBP; see their contributions significantly less than original three states just because of distance from the Bay and potential impact on Bay water quality; however, if greater role is defined with more impact on the Bay, then no problem with them getting more dollars.
- Not right now. We need to be about making a difference in the Bay. If we just add to the process, we dilute our efforts. Let's involve those who can make a significant difference.
- No. This would drain the current states. Why have all this good work go down the drain. We would lose staff and half of committee members. Headwaters states would probably not come to meetings. It would make the program a shell game.
- I'd ask "what are they going to do for the money they receive?" If cooperatively come up with dedicated use of dollars, I'd consider it. A little unfair for MD to get same amount as WV or DE when we know that MD has yeoman's share of the problem.
- No. They don't have as much at stake.

Figure 38 – Should Headwaters States Receive Full Implementation Grants : By All

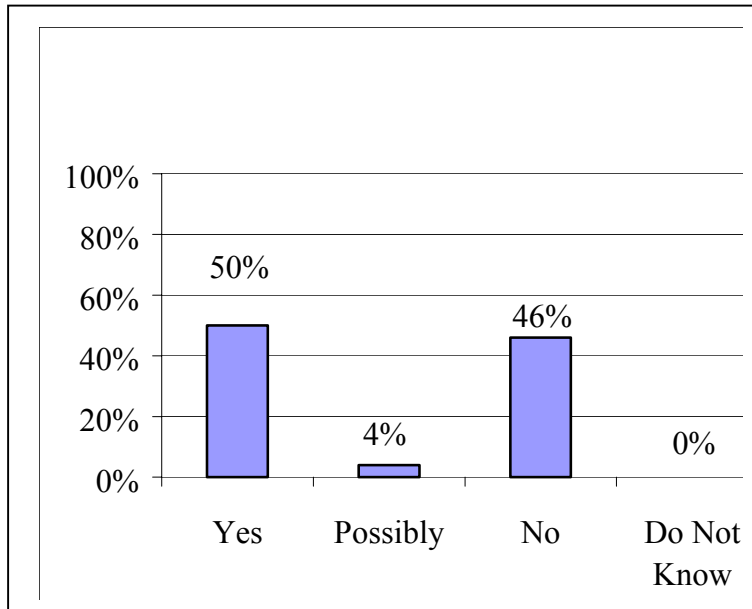


Figure 39 – Should Headwaters States Receive Full Implementation Grants: By

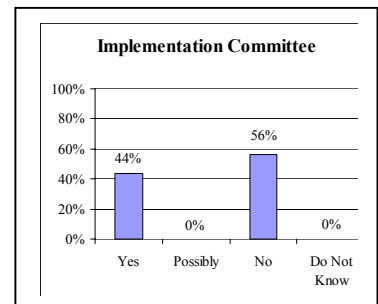
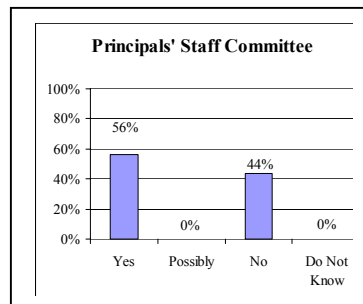
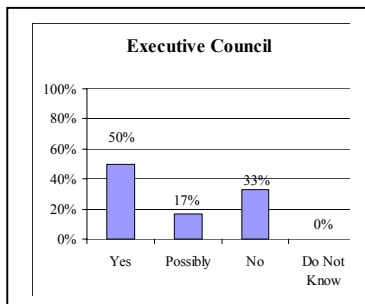
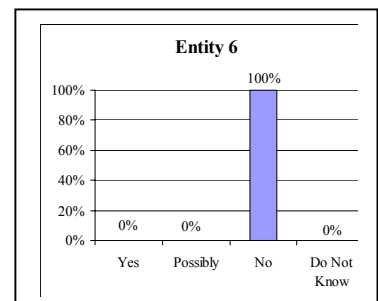
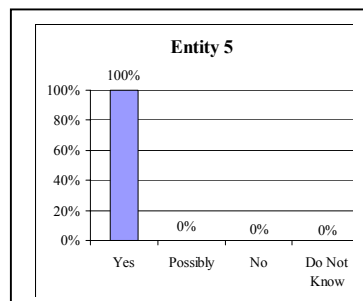
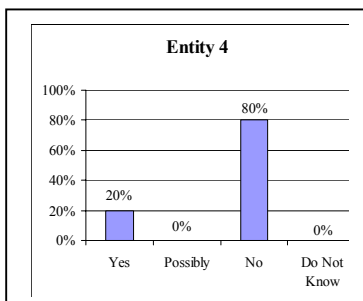
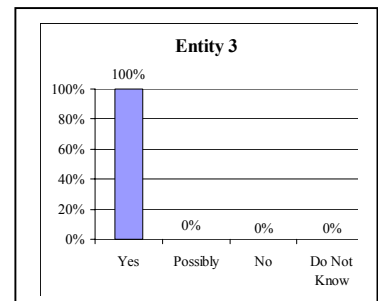
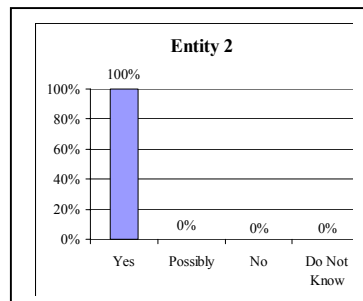
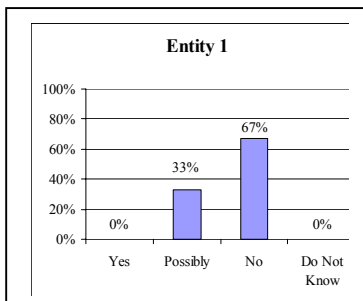


Figure 40 – Should Headwaters States Receive Full Implementation Grants: By Entity



**If Headwaters States executive agency participation in the CBP increases, how important is DE, NY and WV legislative representation to the future of the CBP?**

Forty six percent of all respondents felt that the inclusion of Headwaters States legislative representation was important to the CBP if increased executive agency representation from the Headwaters States occurred. In addition, 33 percent of all respondents felt this legislative representation was possibly important. (See Figure 41.)

Executive Council representatives felt 100 percent that Headwaters States legislative representation was important or possibly important. That decreased to 78 percent by Principals' Staff Committee members and it decreased further to 67 percent by the Implementation Committee. (See Figure 42.)

By entity, the importance of Headwaters States legislative representation had a wide range from a 100 percent important and possibly important ranking from Entities 1, 3 and 6 to a possibly important ranking of 33 percent by Entity 2. (See Figure 43.)

Pertinent Comments

- Yes, it is imperative to have legislative representation if we hope to move the program forward in those states.
- Yes, that may be the only table where we need full representation.
- Yes. Always need legislatures for dollars. However, I can't imagine this would be a high priority for Headwaters States legislators.
- If they are integrally involved in CBP, then they should have legislative representation on the Chesapeake Bay Commission. Is the Chesapeake Bay Commission important? If considered so, then they should be part of Commission.
- Whatever it takes to get support of the states to get support for MOU. However, if full executive seat is not warranted, legislative seat may not be needed either. Many of these issues may not be of major value to the Headwater States.
- Current level of Headwaters States participation in the WQSC is appropriate; membership on the Commission is not necessary.
- No, as a practical matter.



Figure 41 – Importance of Headwaters States to have State Legislative Representation on CBP:

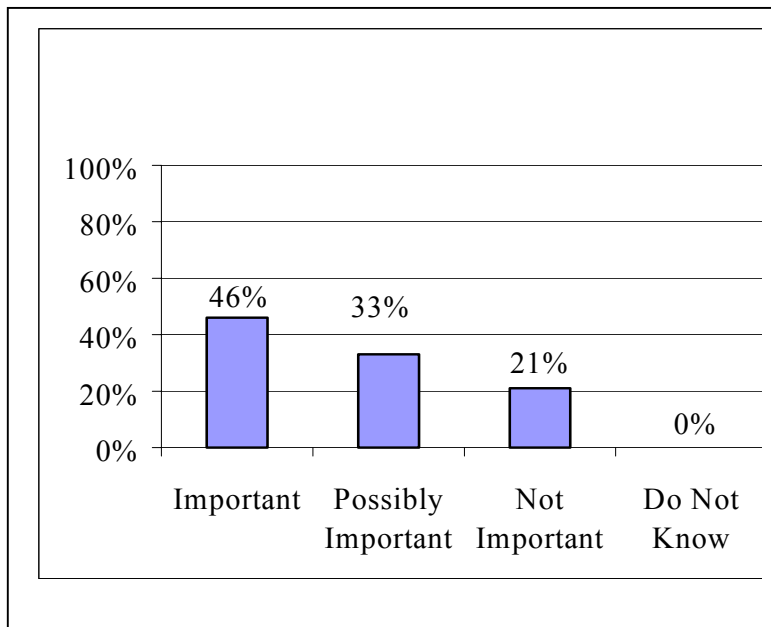


Figure 42 – Importance of Headwaters States to have State Legislative Representation on CPB: By Committee

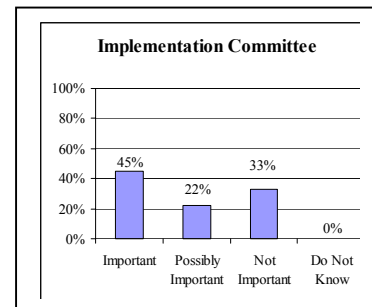
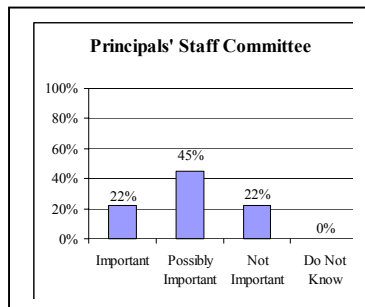
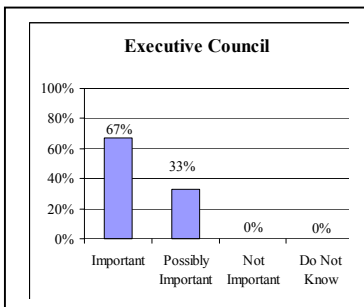
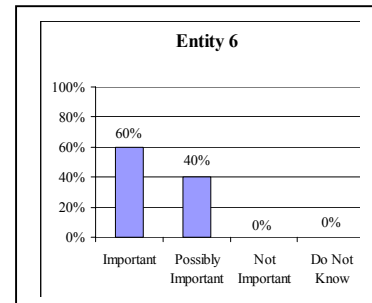
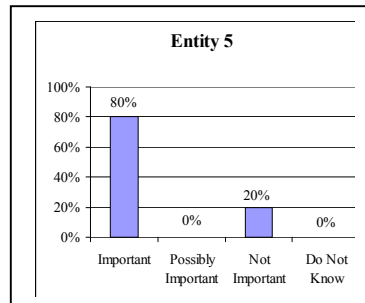
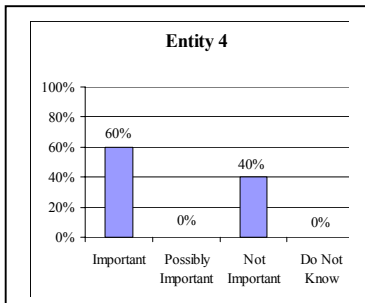
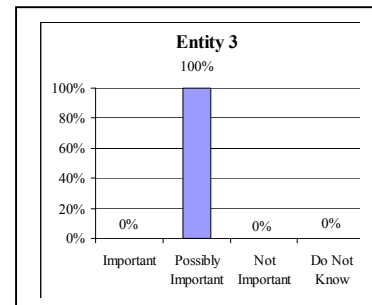
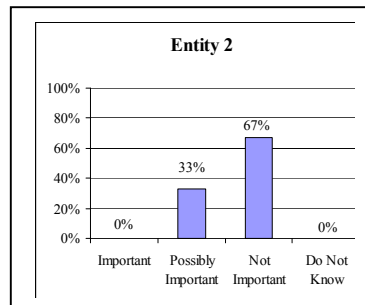
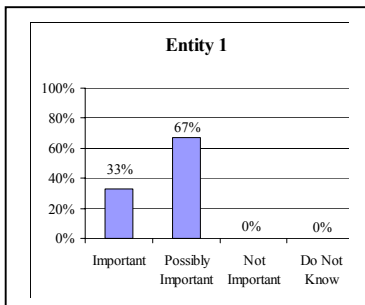


Figure 43 – Importance of Headwaters States to have State Legislative Representation on CBP: By Entity



**If increased Headwaters States legislative representation in the CBP were deemed important, what would be the appropriate avenues to engage DE, NY & WV legislative representation in the CBP?**

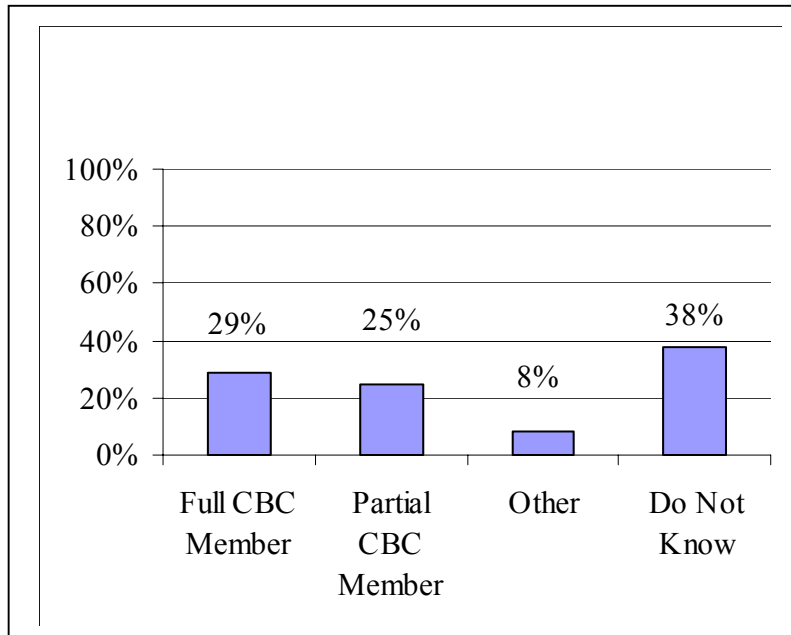
Among those who felt that there was merit to Headwaters States legislative representation, there was no strong feeling among all respondents or by committee or entity about how that representation should be exemplified. (See Figures 44, 45 and 46.) The alternatives suggested were full Chesapeake Bay Commission membership, partial Chesapeake Bay Commission members and other organizations. Only three other suggestions were made: (1) a special caucus of the National Council of State Legislators; and (2) an organizational structure similar to the Ohio River Sanitation Commission or (3) a separate Headwaters States legislative commission.

However, even among those who felt Headwaters State legislative representation was a reasonable idea, there were strong feelings opposing full membership in the Chesapeake Bay Commission.

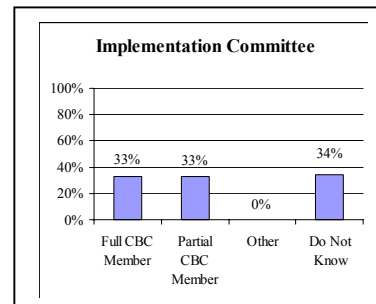
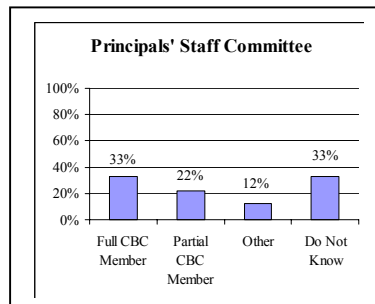
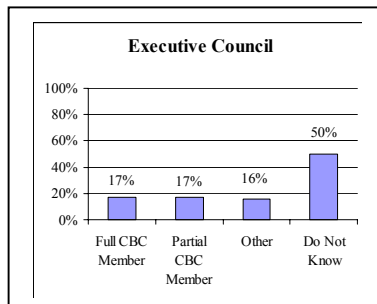
Pertinent Comments

- Most of the CBC members have some sort of direct link to the Bay; not sure if NY would have that connectivity.
- They should be a part of the Commission.
- If full signatories, then legislative representation on CBC could be important; now, not necessary.
- Headwaters States legislators should be the ones to choose the proper vehicle. Could be NCSL or CBC or other body to deliberate.
- CBC would be one avenue but they may not want their membership diluted with such a large new membership. Another model to look at would be the federally created ORSC (Ohio River Sanitation Commission).
- Opposed to members of Headwaters States on CBC. Maybe have ex-officio status on CBC or separate commission.

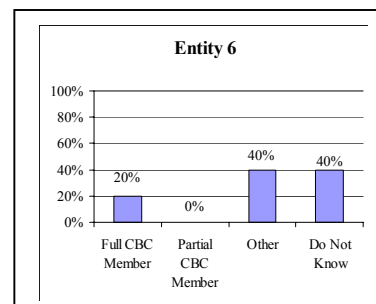
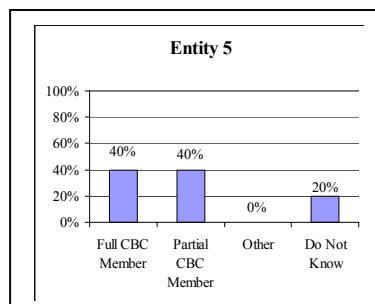
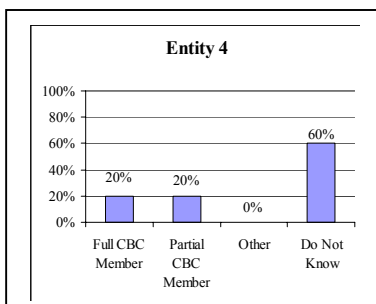
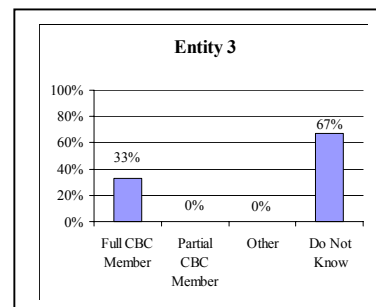
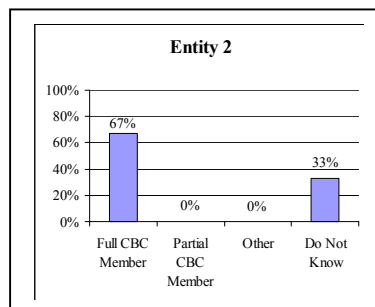
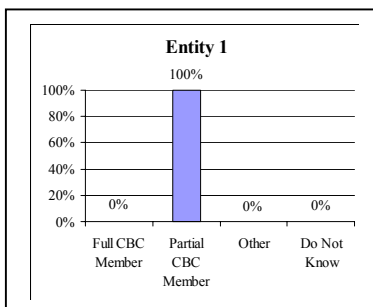
**Figure 44 – Appropriate Avenues for Headwaters States Legislative Representation: By All**



**Figure 45 – Appropriate Avenues for Headwaters States Legislative Representation: By Committee**



**Figure 46 – Appropriate Avenues for Headwaters States Legislative Representation: By Entity**



**Is there any thing about Headwaters States involvement in the CBP that I have missed or anything else you wish to tell me?**

The final question asked of all interviewees was whether there were any other points that they would like to make. The comments fell into three broad categories: (1) endorsement of full Headwaters States involvement in the CBP; (2) committee/subcommittee representation and participation; and (3) opposition to full Headwaters States participation.

Endorsement of Full Headwaters States Involvement in the CBP

- It's wonderful to have more participation in the Bay Program.
- One thing that is important is that if you get other people involved it can't be bad. If we could bring along someone like Senator Byrd, it would be great. However, we have to go carefully. Fencing people out is not a good thing.
- Main point is that the budget for the Bay Program needs to be made larger and we need to add the non-signatory states. The issue that we face in cleaning up the Bay is that it will not be accomplished without the Headwaters States. The MOUs, while important, will not get us there.

Committee/Subcommittee Representation and Participation

- The representation needs to be peer to peer. For example, the governors of the Headwaters States need to interact on the Executive Council and the cabinet secretaries need to interact on the PSC, not lower level representatives being sent to meetings by either the current partners or the Headwaters States. The bureaucracy has increased so much we can't make decisions and get to problem solving.
- Headwaters States should be involved in the subcommittees. They do take significant staff time and resources, if they want to participate fully. They do need to make a firm commitment to participate. Periodic participation is disruptive. Their consistent engagement should help in securing increased dollars.
- Most meetings are held in Annapolis. Travel time and travel costs are becoming a real consideration.
- I know in talking to some Headwaters States staff that attending Bay Program meetings is quite a burden on both travel and time. It is important to convene all the entities in the watershed. The benefits of dollars and technical exchange and the amount learned from each other needs to be encouraged. Also, since DE and WV are in Region III it is easier for information exchange, but with NY in Region II special efforts are needed to encourage good information flow.
- Something is going to have to give if the CBP expects current states and new states to participate in both the locations and frequency of meetings. This could be the biggest impact on daily operations. CBP will have to get modern. Travel restrictions will be forcing video conferencing.

Opposition to Full Headwaters States Involvement

- The main point is we need to stick to our main mission – 91 percent of the nutrient loading is coming from the current partner states. We need to keep on target.

- Not sure it is a smart idea. No more moves should be made until we have had time to plan. We are sending mixed messages. I believe there is great interest to do a series of river agreements. It will cause no ill will and will involve only those who are interested.
- Headwaters States are likely to add incrementally to the success of the Bay Program. You can only ask or expect so much from the upstream states. They will only be interested in select aspects of C2K, such as watershed management, nutrient management and fish passage. It is foolish to entice them to join as full members using dollars as bait.
- Headwaters States should be included, but voice should not be as influential. They do not have as much at stake.

## **CHAPTER FIVE: INTERVIEWS WITH OFFICIALS REPRESENTING THE HEADWATERS STATES OF DELAWARE, NEW YORK AND WEST VIRGINIA**

A set of interviews were conducted with officials in the Chesapeake Bay Watershed Headwaters States of Delaware, New York and West Virginia to learn their level of interest in participation in the Chesapeake Bay Program. Approximately, three to five officials from each of the Headwaters States were interviewed. The officials represented interests at the Executive Council, Principals' Staff Committee and Implementation Committee levels.

The questions posed to the Headwaters States officials were identical to the ones asked of the current partner states. The discussion guide used in the Headwaters States interview was the same as for the current partner states, except the name of the Headwater State was inserted in place of the generic term "Headwaters States." (See Attachment B)

Before each interview, the respondents were given a quick overview of the Chesapeake Bay Program. This included : (1) a brief summary of the Chesapeake 2000 and its relation to the water quality MOU (See Attachment C); (2) a description of the structure and committees/subcommittees of the Chesapeake Bay program (See Attachment D); and (3) a copy of the 2001 Who's Who in the Chesapeake Bay Program. Much of this material was new, even to those officials participating in the Water Quality Steering Committee.

Due to the limited numbers of officials in each state who were interviewed, the type of mathematical and graphic analysis of responses that was used in Chapter Four for the current partners will not be employed here.

### **Delaware**

#### MOU and Chesapeake 2000

Delaware is the only state among the Headwaters States that has tidal waters. Its officials are pleased that the governor has signed the Water Quality MOU, however, they do not feel that it would be appropriate for Delaware to be a signatory on the entire C2K agreement. Delaware feels that it is on the right course and its participation on CBP initiatives on an issue-by-issue basis would be the most appropriate course of action.

This would mostly likely occur at the staff level and would be tied to efforts in conjunction with the State of Maryland. A case in point is the Conservation Corridor that is defined geographically by the Delmarva Peninsula. Delaware would like to work on issues using an ecological unit approach.

In addition, the state is already working on monitoring, toxics, nutrients and living resource issues with informal partnership with other states, including Maryland.

There is also some concern with actual commitments of C2K and in other cases there is concern about the approach that is imbedded in C2K. A case in point is the 30 percent reduction in harmful sprawl goal. It was stated that Delaware is concerned about land development and there is a major state initiative to create a “Livable Delaware,” but the governor could probably not sign a 30 percent sprawl reduction goal.

#### Committee/Subcommittee Representation

While Delaware is pleased to be at the table with the other Chesapeake Bay states dealing with water quality, it is not interested in wide representation on all the CBP committee. Delaware officials see the CBP committee/subcommittee/working group structure as too onerous. Currently they participate in committees on the Delaware Bay and the Inland Bays as well as on the CBP Water Quality Steering Committee (WQSC). It is always tougher to send staff the WQSC because it is usually a two-day meeting. The time commitment and the overnight travel make it much less appealing to be a full CBP participant.

Much of Delaware’s difficulty in attending CBP meetings stems from the small number of staff in the environmental/natural resource/agricultural agencies and the state’s reluctance to add staff using federal dollars. As a low-tax, fiscally-conservative state, it would be nearly impossible for Delaware to add enough staff to serve on many CBP committees and to attend meetings regularly.

For these same reasons, Delaware has little interest in serving on the BSC, IC or PSC. Its governor would probably find it politically difficult to serve as a full member of the EC, but would appreciate an invitation to be a partial EC member and attend meetings when dealing with issues related to signed MOUs.

#### Funding Levels

Delaware feels that the offering of a grant was a very positive step. It has less concern about the level of the CBP grant and has more concerns about the grant’s constrains. First, Delaware does not want to hire staff to manage a program or to attend CBP meetings. The state would rather use the dollars to fund specific projects. Second, the EPA/CBP requirement of a one-to-one match is not competitive with other federal agency monies. With few Delaware dollars to match, the state finds other programs that require only 33 percent or 25 percent match to be much more favorable.

The EPA/CBP grant structure and the realities of Delaware state government do not mesh well. Delaware is seeking more flexibility in the federal funds that it accepts. If a full CBP State Implementation grant (\$2.3 million) were to be available, Delaware would probably decline.

#### State Legislative Representation

If Delaware were to fully join the CBP, it feels that adding legislative representation would be important to moving funding for the necessary initiatives through the state legislature. However, Delaware officials had no suggestions on how that representation may be served.

## **New York**

### MOU and Chesapeake 2000

New York is pleased to part of the CBP through the signing of the water quality MOU. The multi-state collaborative approach is consistent with the watershed approach of how New York likes to do business. Any additional gubernatorial MOU signings with CBP would have to have a significant water quality component. While New York officials have only taken a cursory look at the entire C2K, the feeling seems to be that there would not be a lot of interest in signing the entire agreement. Many of the issues in C2K are not relevant to the New York Susquehanna watershed. It is one of the cleanest and least populated watersheds in the state.

### Committee/Subcommittee Representation

New York officials are satisfied with the treatment that their staff have received at the WQSC and would like to attend other technical subcommittee meetings. The difficulty is in staffing. New York is under a hiring freeze due to tight financial times.

On an issue specific basis, officials in New York would like to work with CBP subcommittees. The joint work would have to be in issues that directly affect New York such as Combined Sewer Overflows. New York officials thought it might be presumptuous of them to offer to serve on subcommittee and the CBP subcommittees should be the ones that make the effort to reach out to New York as issues arise.

That being said, New York interviewees did offer these areas that might be appropriate for further collaboration and partnerships with the CBP:

- Fish passage/Dams
- Watershed Planning
- Wetland Protection and Restoration
- Riparian Forest Buffers
- Nutrient and Sediment Loading
- Education and Outreach

BSC, IC and PSC membership is not an interest or an issue for New York officials. They feel the program's policy and budget decision-making should say with those states who have the biggest stake.

Because New York would not be interested in signing the C2K in its entirety, officials felt that the governor should not be a full EC member. On the other hand they felt that some partial member or guest member status should be extended to New York's governor. The governor should be invited to EC meetings if issues related to the water quality MOU are being discussed or if the topics affect New York and its citizens.



## Funding Levels

New York officials are comfortable with the level of CBP state grants that they have received. With the funds available, it is possible for counties in the Susquehanna watershed to identify a unique agenda and strategies to address them.

New York is open to changing funding levels based on issues that CBP may want the state to achieve. However, the match requirement for the EPA/CBP dollars makes it a less attractive funding sources when others require less match. The EPA/CBP grant with its one-to-one match requirement is like a lot of other federal dollars that New York is offered and that it can not spend because it does not have the matching funds.

New York interviewees did not feel that the state should receive a full \$2.3 million dollar implementation grant. They recommended that the CBP and the current partner states look at the problems that need to be fixed and to focus the dollars where it will do the most good. For New York to accept more EPA/CBP funding, there would have to be more flexibility with regard to the match requirement.

## State Legislative Representation

Legislative representation is not that important to New York respondents and they felt that it would be one of the last issues of New York CBP membership that my need to be addressed. In addition, they had no suggestions for how that representation may be achieved.

## **West Virginia**

### MOU and Chesapeake 2000

Officials in West Virginia are pleased with the MOU signing and feel that it is about time the CBP recognizes the state's efforts. The state has invested \$14 million in Potomac River nutrient reduction in the past few years and feels it has earned a seat at the CBP table.

West Virginia approached the CBP in the early 1980s with \$250,000 of state funds and wanted to be come a full CBP member. The state's suggestion was rebuffed and it has been a long standing barrier to relations ever since.

Interviewees from West Virginia are open to looking at other C2K commitments for possible signings, but want more time to evaluate the document. West Virginia is very interested in learning more about CBP initiatives regarding Land Use and Toxics. They are unclear whether signing C2K in its entirety would be appropriate because they are not sure what the commitments require and what resources may be available to fulfill the commitments.

### Committee/Subcommittee Representation

West Virginia is satisfied with its role on the WQSC, but is uncomfortable with what that means. Currently, the feeling is that nothing has happened. State officials are waiting for output from the water quality computer model and they do not have any idea what is going to be recommended and what is going to be required.

West Virginia interviewees would like representation on all CBP committee, subcommittee or working groups. There is not a CBP technical subcommittee that West Virginia would not want to send representatives to the meetings. This includes monitoring, nutrients, modeling, air quality, land growth and stewardship, communications and education and all the rest.

Regarding BSC, IC, PSC and EC membership, officials stated that they wanted to be a members and have a vote on everything that affects West Virginia. This might be a full member status or may be interpreted as a partial member status based on the commitments that West Virginia has signed.

### Funding Levels

For the level of commitments in the MOU, West Virginia officials thought that the grant would be for a larger amount. It is hoped by state officials that this is only a planning grant and that larger dollars will be available in the future.

West Virginia envisions receiving a full CBP Implementation Grant at some point in the future when its commitment and accomplishments are fleshed out. West Virginia officials want their state to be recognized for the contributions it can make to reducing nutrient loading to the Potomac River and improving the environmental health of the Chesapeake Bay watershed.

State officials also hope that the signing of the MOU will make them eligible for the myriad of other Chesapeake Bay dollars contained in the appropriations of federal agencies such as USDA, US Forest Service, US Fish and Wildlife Service and others.

### State Legislative Representation

West Virginia interviewees did not express deep interest in having legislative representation on CBP. But if it were to occur, they would suggest legislators from the Eastern Panhandle area of West Virginia. Officials recognized the Chesapeake Bay Commission as the appropriate vehicle for any legislative representation. Initially, or possibly for the long-term, this representation could be on an ex-officio basis.

## CHAPTER SIX: CONCLUSIONS

### Conclusions Regarding CBP Functional Areas

#### MOUs and Chesapeake 2000

The current partners and the Headwaters States are pleased with the signing of the Water Quality MOU and feel that it may be appropriate for some targeted MOUs that may address specific issues to be signed in the future. However, all parties are somewhat wary of whether it would be appropriate for the Headwaters States to sign the C2K in its entirety.

This is evident in the responses of the current CBP partners, where 96 percent of all interviewees thought that it was appropriate that the Headwaters States governors signed the water quality MOU.

With regard to Headwaters States, Delaware wants to work on specific issues with CBP, but does not feel that it would be appropriate for the state to be a signatory on the entire C2K agreement. New York proposes that any additional gubernatorial MOU signings with CBP would have to be tied very closely to water quality improvements. A full signing of C2K by New York, does not seem reasonable since many of the issues in C2K are not pertinent to the relatively clean and less populated New York Susquehanna watershed. West Virginia officials are open to looking at other C2K commitments for possible signings, but want more time to evaluate the document.

#### Committee/Subcommittee Representation

There is unanimous support for the Headwaters States to have representation on the Water Quality Steering Committee and widespread support for targeted Headwaters States involvement in technical subcommittees. All current partners and two of the three Headwaters States have concerns about the across the board involvement of the Headwaters States in all CBP technical subcommittees.

In regard to current CBP partners, 88 percent of all interviewees felt it would be appropriate for the Headwaters States to have representation on other Chesapeake Bay Program technical subcommittees.

Delaware wants to be a good neighbor and to contribute to protecting the Bay watershed through involvement on specific subcommittees. Delaware is not interested in wide representation on all the CBP committees and views the CBP committee/subcommittee/working group structure as too onerous. On an issue-specific basis, officials in New York would like to work with CBP subcommittees on topics that directly affect New York, such as Combined Sewer Overflows. A total of 83 percent of all respondents felt that it may be appropriate for Headwaters States to have BSC and IC representation. West Virginia expressed an interest on having representation on all CBP committee, subcommittee and working groups. There is not a CBP technical subcommittee that West Virginia would not want to send representatives to the meetings.

A total of 83 percent of all current partner interviewees felt that it may be appropriate for Headwaters States to have BSC and IC representation, but only 63 percent of all respondents were supportive of their representation on the PSC and EC. In addition, only 33 percent of the interviewees feel that the Headwaters States should be full partners in the Chesapeake Bay Program, but 58 percent felt that partial membership by the Headwaters States was appropriate.

Delaware has little interest in serving on the BSC, IC or PSC and its governor would probably find it politically difficult to serve as a full member of the EC. Delaware might appreciate an invitation to be a partial EC member and attend meeting when dealing with issues related to signed MOUs.

Membership in BSC, IC and PSC is not an interest or an issue for New York. The state believes the program's policy and budget decision-making should say with those states that have the biggest stake. On the other hand, they think the governor should be invited to EC meetings if issues related to the water quality MOU are being discussed or if the topics affect New York and its citizens

Regarding BSC, IC, PSC and EC membership, West Virginia would like to be members and have a vote on everything that affects West Virginia. This might be a full member status or may be interpreted as a partial member status based on the commitments that West Virginia has signed.

### Funding Levels

Current partners overwhelmingly agreed by 96 percent that providing grants to the Headwaters States was the right decision. However, only 58 percent of all the respondents believe that the level of funding being provided to the Headwaters States is appropriate.

A total of 71 percent of all current partner interviewees felt that Headwaters States grants may need to be increased or decreased in future years. Many of the respondents felt that any increase or decrease should be based on merit and measured by how well the Headwaters States fulfill their existing commitments. However, these feelings are also tied to the Headwaters States impact on the overall funding received by the CBP. If the Headwaters States can help increase overall CBP funding and they are fulfilling nutrient reduction goals, many feel that increased grants are warranted.

Only fifty percent of all current partner interviewees felt that that Headwaters States should ever receive full implementation grants, reflecting a dramatic drop compared to the 71 percent that thought that their grants should increase or decrease in future years. Two out of the three Headwaters States are also not favorably disposed to receiving full implementation grants.

If a full CBP State Implementation grant were to be available to Delaware, it would probably have to decline the offer. The EPA/CBP grant structure and the realities of Delaware state government do not mesh well. Delaware is seeking more flexibility in the federal funds that it accepts. First, Delaware does not want to hire staff to manage a program or to attend CBP meetings. The state would rather use the dollars to fund specific projects. Second, the EPA/CBP

requirement of a one-to-one match is not competitive with other federal agency monies. With few Delaware dollars to match, the state is finding other programs that require only 33 percent or 25 percent match to be much more favorable.

New York interviewees did not feel that the state should receive a full \$2.3 million dollar implementation grant. The match requirement for the EPA/CBP dollars makes it a less attractive funding sources when others require less match. The EPA/CBP grant with its one to one match requirement is like a lot of other federal dollars that New York is offered and that it can not spend because it does not have the matching funds.

West Virginia hopes to receive a full CBP Implementation Grant at some point in the future when its full commitment and targeted accomplishments are fleshed out. For the level of commitments in the MOU, West Virginia officials thought that the grant would be for a larger amount. It is hoped by state officials that this is only a planning grant and that larger dollars will be available in the future.

### State Legislative Representation

Forty-six percent of all current partner respondents felt that the inclusion of Headwaters States legislative representation was important to the CBP and an additional 33 percent felt this legislative representation was possibly important. The alternatives suggested to achieve this representation were full Chesapeake Bay Commission membership, partial Chesapeake Bay Commission members and other organizations. However, even among those who felt Headwaters State legislative representation was a reasonable idea, there were strong feelings opposed to Chesapeake Bay Commission full membership.

If Delaware were to fully join the CBP, it feels that adding legislative representation would be important to moving funding for the necessary initiatives through the state legislature. However, Delaware officials had no suggestions on how that representation may be served.

Legislative representation is not that important to New York respondents and they felt that it would be one of the last issues of New York CBP membership that may need to be addressed. In addition, they had no suggestions for how that representation may be achieved.

West Virginia interviewees did not express deep interest in having legislative representation on CBP. Officials recognized the Chesapeake Bay Commission as the appropriate vehicle for any legislative representation. Initially, or possibly for the long-term, this representation could be on an ex-officio basis.

Only three other suggestions were made: (1) a special caucus of the National Council of State Legislators; and (2) an organizational structure similar to the Ohio River Sanitation Commission or (3) a separate Headwaters States legislative commission.

One proponent of several different options for Headwaters State legislative representation in the CBP is Howard R. Ernst. In his book, *Chesapeake Bay Blues: Science, Politics and the Struggle to Save the Bay*, Ernst states, "One option might be to create a separate 'Headwaters

Commission' that addresses the unique problems facing the headwater sections of the Bay. Another option might be to include these states in a separate 'Congressional Commission' so as to maximize the collective political strength of the watershed states at the national level, without endangering the effectiveness of the existing Commission. And yet another option would be to provide the excluded states limited representation on the existing Commission, perhaps representation in proportion to the amount of land that each state comprises in the watershed. In any case, finding an appropriate way to incorporate these states in the activities of the Chesapeake Bay Commission is an important issue that should receive more attention as the restoration partnership continues to develop and mature."

## **Conclusions Regarding Scenarios for Headwaters States Participation**

The scenarios listed below are identical to the ones presented in Chapter Three and are supplemented by the insights given through the current partner and Headwaters States interviews. The sections in italics after the subheadings are brief description of the scenario structure.

### Scenario # 1 – Non-Participation

***The Headwaters States do not make a commitment to any of the sections of C2K. In this case, there is no grant funding, no technical subcommittee membership, no BSC, IC, PSC or EC membership.***

With such overwhelming endorsement of Headwaters States involvement in the CBP by the current partners and with the enthusiastic participation of the Headwater States in some aspects of the CBP, going back to an era of Headwaters States non-participation seems improbable. All of the Headwaters States want to contribute to the environmental health of the Chesapeake Bay watershed and all the current partners welcome their involvement. It is apparent from the interviews that the CBP has moved beyond this simplistic approach and the all of the parties feel comfortable with some level of more formal involvement.

### Scenario #2 – MOU Signing

***In this scenario, the Headwaters States make a commitment only to certain sections of C2K through various special Memoranda of Understanding (MOUs). There is no grant funding, no BSC, IC, PSC or EC membership, but there is the opportunity for membership on various technical subcommittee related to the commitments of the MOUs that were signed***

The vast majority of current CBP members welcome the governors of the Headwaters States signing MOUs regarding commitments to C2K and 96 percent endorse the concept of providing grant to Headwaters States to help fulfill the MOU commitments. The prospects for this scenario seem slim based on the fact that Headwaters States are already receiving grant and both Headwaters States and current CBP partners are comfortable with Headwaters States grants.

### Scenario # 3 – Status Quo

***Here the Headwaters States make a commitment only to certain sections of C2K and received a limited amount of funding to assist in fulfilling those obligations. While there is no BSC, IC, PSC or EC membership, but there is the opportunity for membership on various technical subcommittee related to the commitments of the MOUs that were signed.***

This would be pretty much a status quo situation for the CBP. The Water Quality MOU has been signed and small grants are being provided to the Headwaters States to assist them in meeting the targeted goals of the MOU. This scenario allows for addition MOUs to be signed and increases or decreases in the Headwaters States grants. Some funding changes may make the current situation more tenable for the current partners. The first would be if the total amount of federal funding received by the CBP would increase allowing for Headwaters States grant that would do no harm to the Implementation Grants of the current partners. The second would be if the Implementation Grants were funded out of the competitive funding pool, also allowing for no harm to the Implementation Grants of the current partners.

### Scenario # 4 – Gubernatorial Guest Membership

***The Headwaters States decide to commit only to certain sections of C2K and receive limited funding. They are permitted membership on all technical subcommittee and work groups related to their commitments. While there is no membership granted on the BSC, IC and PSC, a guest membership/invitation to Headwaters States' governors is extended for all EC meetings in which pertinent C2K issues are to be discussed.***

A scenario like this that brings the governors of the Headwaters States to the table with the current partners may be a way to elicit greater Headwaters States buy-in to the C2K goals. Getting increased gubernatorial involvement in the CBP as well as positive press for the Headwaters States governors may be a good strategy to achieve more in the long run in the Chesapeake Bay watershed. This is different than working from a bottom-up approach of involving lower level staff in all CBP technical subcommittees and working groups and hoping for greater political agreement later from the Headwaters States governors. Here a peer-to-peer approach where current CBP partner governors would ask their Headwaters States governors to sit in on Executive Council meeting would be employed. Many of the current CBP partners who oppose full Headwaters States membership endorse the ideas of gubernatorial involvement.

### Scenario # 5 – Cabinet Level Partial/Gubernatorial Guest Membership

***In this scenario, Headwater States make a commitment to only certain sections of C2K, receive limited funding, are provided membership on all technical subcommittee and work groups, but receive no membership on BSC, IC. The Headwaters States are granted partial membership on PSC and guest membership on the EC.***

The concept is similar to the Gubernatorial Guest approach in that the cabinet level officials from the Headwaters States need to be brought to the table first in a collegial atmosphere with their counterparts in the current CBP partner jurisdictions. Their participation in decisions related to

the C2K commitments of their states along with their governor's guest role at the EC meetings may foster a strong working bond among the states.

#### Scenario # 6 – Partial Membership by Issue

***Commitments by the Headwaters States are made only to certain sections of C2K and they are provided limited funding to fulfill those obligations. However, membership is provided on all technical subcommittees and workgroups and they are given partial vote membership on the BSC, IC, PSC and EC.***

In this scenario, Headwaters States are considered full members on the C2K issues to which they have committed, but nonmembers on issues to which they have made no commitments. For example, they would have full voting rights on all issues related to the Water Quality section of C2K and the Water Quality MOU, but would have no voice on issues related to Sound Land Use (unless they had signed a Sound Land Use MOU).

The logistics of this scenario may be a bit cumbersome. Some current member staff have concerns about coordinating a larger number of governors and state cabinet level officials. This may be a burden that need to be borne if the CBP is to accomplish a greater level of environmental attainment in the watershed.

#### Scenario #7 - Partial Memberships by Influence

***Here the Headwater States have made commitments to all sections of C2K, but still receive limited funding to fulfill those obligations. They may have membership and sit on all technical subcommittees and workgroups and they have partial vote membership on the BSC, IC, PSC and EC.***

The second partial membership configuration may be attractive to those who feel that the Headwaters States do not have the same stake or obligation in protecting and restoring the Chesapeake Bay watershed that the current partner jurisdictions do. Therefore, they may have a say in all issues, but their votes may count only some fraction of the current partner votes.

The ground rules for making this system work may be difficult to achieve and it may make officials and elected leaders in the Headwaters States feel like second-class participants in the CBP.

#### Scenario #8 – Full Membership

***To be full members, Headwaters States would: (1) have made commitments to all sections of C2K; (2) receive a full implementation grants; (3) be granted memberships on all technical subcommittees and workgroups and membership on the BSC, IC, PSC and EC; and (4) have state legislative representation to the CBP.***



This level of membership gives the Headwaters States all the rights and responsibilities of the current partner jurisdictions. This is not a realistic scenario this time. None of the Headwaters States are seeking full membership and none feel that they can sign C2K in its entirety which is the condition that most current members have for the Headwaters States to join the CBP full members.

While 63 percent of current CBP partner respondents were supportive of Headwaters States representation on the PSC and EC, there are strong feelings opposed to full membership by Entity 1, where 67 percent are opposed and Entities 4 and 6, where only 40 percent are in favor of this strategy.

## CHAPTER SEVEN: RECOMMENDATIONS

It is apparent from the interviews with representatives of the current CBP full partners and the Headwaters States that full membership in the CBP by the Headwaters States is not an option that is seen as viable among all the parties. Some form of partial membership by issue, however, is viewed much more favorably and there are several steps that the CBP could take to move forward in that direction.

It should be noted that the Headwaters States are not a single entity and that ultimately all three states may not seek the same level of commitment to the CBP and may not want the same type of governance responsibilities. Delaware, New York and West Virginia, just like the current CBP full partners, have different needs and come from different political perspectives. Each of the Headwaters States may respond uniquely to the actions to recommended below.

### **Recommendations Directly Affecting Headwaters States Participation**

#### Invite Headwaters States Governors to Attend Executive Council Meetings

The first step that the CBP could take to move toward greater inclusion of the Headwaters States is to invite their governors to any Executive Council meeting that have a water quality focus. The Headwaters States have signed the Water Quality MOU and their agency staffs have served on the Water Quality Steering Committee. Inviting these elected officials as guests or ex-officio members to the Executive Council meetings dealing with water quality issues would serve as recognition of their importance to the overall regional efforts.

These meetings would not necessarily have to be all-day, stand-alone events. Many smaller regional organizations involving governors schedule some of their meetings during down time at the National Governors Association (NGA) annual meeting in Washington, DC, or at regional governors meetings such as the Coalition of Northeastern Governors.

#### Ask Cabinet Level Officials from Headwaters States to Serve on the Principals' Staff Committee

A second step may be to invite cabinet level officials of the Headwaters States to serve on the Principals' Staff Committee. Having those department heads involved in the water quality and other discussion at the PSC would make them more cognizant and comfortable with the CBP approaches to issues. As guest or ex-officio members they could voice opinions that no doubt would be beneficial in regional approaches to a whole host of environmental concerns.

As with the governors' meetings, some PSC business could be conducted when many of the cabinet level officials are already together at other national meetings such as NGA meetings or at Environmental Council of the States (ECOS) meetings.

A primary reason for Headwaters States cabinet level involvement with the PSC is to ensure that Headwaters States agency staff who attend subcommittee and working group meetings carry the authority of their superiors. There was much concern among current CBP partners that if

technical subcommittees invite Headwaters States staff to participate, that the cabinet officials in their states know they are participating and know the messages that they are bringing to the CBP.

### Work on Additional Agreements with Headwaters States

With Headwaters States agency staff serving on technical subcommittees and working groups of interest to their jurisdictions, additional agreements covering other elements C2K should be negotiated. A number of possible areas for future agreements were suggested by the interviewees including: exotic species, fish passage, land use and riparian forest buffers. It is possible that more will emerge as the Headwaters States agency staff become involved in select committees and as the range of action to fulfill the Water Quality MOU become more defined. It may be useful to begin discussing within the CBP the potential areas for increased cooperation.

There are at least three different vehicles or instruments that could be utilized as the issues are identified and approaches defined. They are:

- Agreements like the water quality MOU signed individually by the governors;
- Directives where one or more governors are invited as appropriate to join in the signing; and
- Interstate agreements based on the evolution of individual tributary strategies as they are developed in response to the water quality requirements or other pertinent issues.

### **Other Recommendations**

#### Consensus Decision-Making

As noted earlier in the report, while 96 percent of the interviews endorsed the decision to bring the Headwaters States more fully into the program by providing limited grants, 66 percent of the interviewees did not appreciate the process that was utilized. Many of the respondents felt that there was a disconnect between the unilateral manner in which the decision was made and the long history of consensus decision-making that has become the hallmark of the Chesapeake Bay Program. As other decisions may be made to expand Headwaters States participation in the CBP, it would be helpful if there was a return to a more inclusive decision-making process.

#### Current Partner Familiarity with Water Quality MOU and Headwaters States Grant Program

One of the more surprising findings of the interviews with the officials of the current CBP partners was a lack of knowledge of the commitments contained in the Water Quality MOU and of the programs being conducted by the Headwaters States with the CBP dollars. EPA/CBP would be wise to make more information known to the current partners of the programs, progress and contributions being made by the Headwater States in meeting C2K goals.

### Headwaters States Familiarity with CBP Structure and Program

The other surprising aspect found during the interviews was the lack of knowledge by the Headwaters States officials, even many of the Water Quality Steering Committee members, of the structure of the CBP and elements of C2K. Many jurisdictions had not seen the booklet, “A Who’s Who in the Chesapeake Bay Program.” More outreach needs to be conducted with officials in Delaware, New York and West Virginia about the goals programs and structure of the CBP.

### Engagement of Headwaters States Congressional Delegation with CBP

One of the biggest assets that current CBP partners see in bringing on the Headwaters States is the additional clout of their congressional delegation. Many of the Senators and Representatives from the Headwaters States serve in powerful positions of influence on a wide range of important authorizing and appropriations committee. The majority of CBP representatives feel it would be wise to engage this delegation as the Headwaters States become more involved in the program.

### Identification and/or Upgrade of Technology to Facilitate Multi-State Remote Meetings

Whether the Headwaters States are brought in more formally to the CBP committee and subcommittee structure or no may believe that something is going to have to give the partners easier and less costly ways participate in the program. Both the locations and frequency of meetings are going to have to change. Travel restrictions will be forcing video conferencing or internet assisted meeting. In essence the CBP will have to get modern and identify or invest in upgraded technology for multi-state meetings.

### Streamline Current CBP Committee/Subcommittee Structure and Membership

Before bringing any more partners, many who were interviewed expressed the frustration that the CBP has become too bureaucratic and decisions are not being made effectively within the current structure. There is a belief there is frequently duplication of efforts among the Bay partners and that the CBP is currently is not communicating effectively with the public.

Additionally, there is an overall criticism that the program has not done a good job in prioritizing restoration initiatives and tries to accomplish too much with too few dollars, hence accomplishing less than if goals were better focused.

A complete review of the CBP structure relative to accomplishing C2K objectives may warrant the elimination of some subcommittee and working groups as well as establishment of stricter guidelines of how many representatives that one partner may have on a committee, subcommittee or working group.

## ATTACHMENT A

LAST	FIRST	TITLE	DEPT	ADD1	ADD2	CITY	ST	ZIP	PHONE
Berry	Elizabeth		Executive Office of the Mayor	1350 Pennsylvania Ave., Ste. 512		Washington	DC	20004	202-727-3512
Brannon	Bill		Dept. of Environmental Protection	10 McLjunkin Rd.		Nitro	WV	25143-2506	304-558-2107
Buckley	Pat	Chesapeake Bay Program Coordinator	Bureau of Watershed Mgmt.	Dept. of Environmental Protection	PO Box 8555	Harrisburg	PA	17105-8555	717-772-1675
Collier	Jim		DC Dept. of Health	51 N St. NE, 5th fl.		Washington	DC	20002	202-535-1660, x3040
Curatolo	Jim		Upper Susquehanna Coalition	4729 State Rt. 414		Burdett	NY	14818	607-546-2528
DiPasquale	Nick	Secretary	Dept. of Natural Resources & Envir. Control	State of Delaware	89 Kings Hwy.	Dover	DE	19901	302-739-4403
Donnelly	Kevin	Director	Delaware DNREC	89 Kings Hwy.		Dover	DE	19901	302-739-4860
Douglass	Gus	Commissioner	West Virginia Dept. of Agriculture	State Capitol	1900 Kanawha Blvd. East	Charleston	WV	25305-0170	304-558-3200
Draper	Richard		Dept. of Environmental Conservation	625 Broadway		Albany	NY	12233-3508	518-402-8251
Fairchild	Russ		PA House of Representatives	House Box 202020		Harrisburg	PA	17120-2020	717-787-3443
Fox	Chuck	Secretary	Dept. of Natural Resources	Tawes State Office Bldg., C-4	580 Taylor Ave.	Annapolis	MD	21401	410-260-8101
Frece	John	Special Asst. to the Governor	Dept. of Natural Resources	Tawes State Office Bldg.	580 Taylor Ave.	Annapolis	MD	21401-2397	410-974-5292
Frye	Jack		Dept. of Conservation & Recreation	203 Governor St., Ste. 206		Richmond	VA	23219	804-786-6523
Gordon	Ted		DC Dept. of Health	825 N. Capitol St. NE, 4th fl.		Washington	DC	20002	202-442-8982
Hanmer	Rebecca		US EPA	410 Severn Ave., Ste. 109		Annapolis	MD	21403	410-267-5709
Harrison	Verna		Dept. of Natural Resources	Tawes State Office Bldg., C-4	580 Taylor Ave.	Annapolis	MD	21401	410-260-8116
Huffman	Cam	Special Asst. to the Governor		State Capitol	1900 Kanawha Blvd. East	Charleston	WV	25305	304-558-5411
Kreiner	Andrea	Environmental Policy Advisor	Office of the Governor	William Penn Street		Dover	DE	19901	302-744-4194
Maroon	Joe		Dept. of Conservation & Recreation	203 Governor St., Ste. 302		Richmond	VA	23219	804-786-2123

Martin	Christine		Dept. of Environmental Protection	400 Market St., 16th fl.	Harrisburg	PA	17105-2063	717-787-4686
Minock	Larry		Dept. of Environmental Quality	629 E. Main St.	Richmond	VA	23219	804-698-4318
Murphy	Taylor	Secretary	Dept. of Natural Resources	202 N. 9th St., 7th fl.	Richmond	VA	23219	804-786-0044
New	Lois	Chief, Policy, Planning, & Partnerships Section	NYS Dept. of Environmental Conservation	Division of Water	Albany	NY	12233-3500	518-402-8239
Pollock	Al		Dept. of Environmental Quality	PO Box 10009	Richmond	VA	23240-0009	804-698-4002
Sprenkle	Dick	Deputy Sec. For Conservation & Engineering Svcs.	Dept. of Conservation & Natural Resources	PO Box 8767	Harrisburg	PA	17105-8767	717-787-9306
Stark	Lynette	Asst. Dir. of State Operations	Agriculture, Energy, Environment, Parks, & Recreation	New York Governor's Office	Albany	NY	12224	518-474-3334
Summers	Bob		Dept. of the Environment	2500 Broening Hwy.	Baltimore	MD	21224	410-631-3680
Swanson	Ann		Chesapeake Bay Commission	60 West St., Ste. 200	Annapolis	MD	21401	410-263-3420
Tabor	Lance	Executive Director	West Virginia Soil Conservation Agency	State Capitol	Charleston	WV	25305-0193	304-558-2204
Taglang	Steve	Sr. Policy Mgr.	Governor's Policy Office	Rm. 506 Finance Bldg.	Harrisburg	PA	17120	717-787-1954
Taluto	Susan	Deputy Commissioner	Water Quality & Environmental Remediation	625 Broadway	Albany	NY	12233-1010	518-402-8559
Welsh	Don		US EPA	1650 Arch St.	Philadelphia	PA	19103-2029	215-814-2908
Yowell	Bob	North Central Regional Director	Dept. of Environmental Protection	208 W. Third St.	Williamsport	PA	17701	570-327-3695
Zaw-Mon	Merrilyn		Dept. of the Environment	2500 Broening Hwy.	Baltimore	MD	21224	410-631-3084
Zimmerman	Bob		Dept. of Environmental Resources	89 Kings Hwy.	Dover	DE	19901	302-739-4403

## ATTACHMENT B



**CHESAPEAKE BAY PROGRAM INSTITUTIONAL GOVERNANCE ANALYSIS:  
HEADWATERS STATES INVOLVEMENT**

**Discussion Guide**

Name of Interviewee: \_\_\_\_\_

**Get full title, agency & address or business card**

Introduction

I am going to ask you a series of questions to learn your perspectives on the appropriate level of participation by the Headwaters States (Delaware, New York and West Virginia) in the Chesapeake Bay Program (CBP). The Alliance for the Chesapeake Bay (ACB) has been asked to conduct approximately 30 interviews with state officials representing the current CBP partner states and the Headwaters States as well as with representatives of the Chesapeake Bay Commission and U.S. Environmental Protection Agency. The ACB will then aggregate those results and will make a presentation of the various perspectives at the next Principals' Staff Committee meeting.

Before we begin, let me say that the ACB does not have a position on Headwaters States participation and I am not here as an advocate or opponent of their involvement. I am here to learn your views.

Also, everything you say will be kept in the strictest confidence. Nothing that you say to me today will be publicly attributed to you. Only aggregated information from these discussions will be released and specific statements will not be attributed to any one individual.













## Conclusion

- Is there any thing about Headwaters States involvement in the CBP that I have missed or anything else you wish to tell me?

Thank you for your time.



## ATTACHMENT C

# **CHESAPEAKE 2000 OVERVIEW**

## **LIVING RESOURCE PROTECTION & RESTORATION**

- Oysters
- Exotic Species
- Fish Passage
- Multi-species Management
- Crabs

## **VITAL HABITAT PROTECTION & RESTORATION**

- SAV
- Watersheds – Management Plans
- Wetlands
- Forest – RFB

## **WATER QUALITY RESTORATION**

- Nutrient & Sediment
- Chemicals
- Priority Waters
- Air Pollution
- Boat Discharge

## **SOUND LAND USE**

- Land Conservation
- Development & Redevelopment
- Transportation
- Public Access

## **STEWARDSHIP & COMMUNITY ENGAGEMENT**

- Education and Outreach
- Community Engagement
- Government by Example

## ATTACHMENT D

# Chesapeake Bay Program Organizational Chart

