

PENN'S WATERS



CBF STAFF

News & Notes From the Pennsylvania Office of the Chesapeake Bay Foundation

SUMMER 2023

Historic Investments Provide Optimism for Cleaner Local Rivers and Streams

CBF is optimistic as ever about the future of clean rivers and streams in Pennsylvania, in the wake of historic investments and momentum in 2022.

The state legislature voted last year to create the \$220 million Clean Streams Fund (CSF). The hallmark of the fund is a new statewide cost-share program called the Agricultural Conservation Assistance Program (ACAP). About \$154 million, or 70 percent of the CSF, is dedicated to ACAP to help Pennsylvania's 50,000-plus family farmers keep soils and nutrients on the farm instead of in the water.

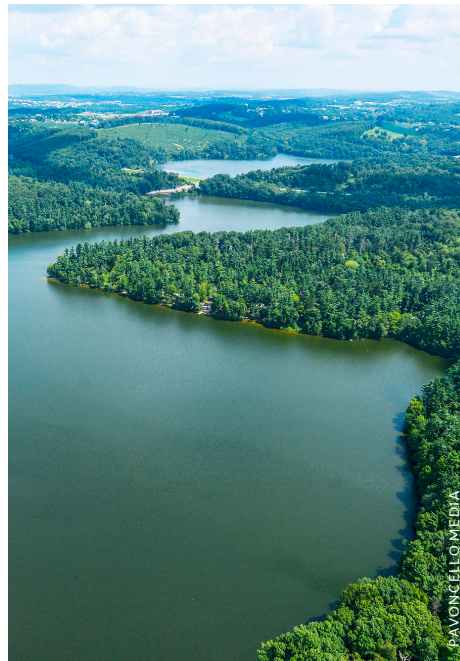
ACAP is a vital cost-share program that will provide county conservation districts additional resources to help farmers design and implement conservation practices. In 2023, conservation districts and landowners are making agreements to turn ACAP investments into action.

Investments from the CSF will also help with reducing the impacts of polluted runoff from urban areas, cleaning up acid mine drainage, restoring abandoned mine land across the state, and planting more trees along streams and streets.

Not since the days of the Ridge Administration and Growing Greener legislation in 1999, has the Commonwealth made such monumental investments to restore and protect rivers and streams that flow from farms, fields, and forests into our local rivers and streams, and ultimately the Chesapeake Bay.

Start-up money for the Clean Streams Fund came from the state's portion of the federal American Rescue Plan, which will be exhausted before Pennsylvania runs out of streams to clean, restore, and protect.

What's needed is more widespread implementation of clean-water measures, and greater and sustained investments of financial



PAVONGELLO MEDIA

A new Agricultural Conservation Assistance Program will help Pennsylvania farmers keep soils and nutrients on the land instead of flowing into local waters.

and technical resources at both the state and federal levels.

More than 90 percent of the Commonwealth's remaining pollution reductions must come from agriculture.

Farmers have shown that they are willing to invest their time, land, limited funds, and effort to clean and protect local rivers and streams. They need greater investments like those that will come from ACAP, if they are to finish the job.

All conservation practices would be eligible for ACAP cost-share funds. Among them, CBF would like to see more trees planted, and more fencing to keep livestock out of streams.

From the Desk of
Julia Krall
PENNSYLVANIA
DIRECTOR



This is an exciting time to be part of the Chesapeake Bay Foundation's work in Pennsylvania!

With less than two years remaining to the 2025 implementation deadline for the historic Chesapeake Clean Water Blueprint, the science-based agreement to restore clean water to the Chesapeake Bay region, a proposed settlement in CBF's lawsuit against the Environmental Protection Agency (EPA), holds Pennsylvania, and EPA, accountable for reducing pollution in the state, where it is most needed.

The proposed settlement with EPA can help reach a turning point, building on other recent wins including:

- Pennsylvania's new Agricultural Conservation Assistance Program (ACAP)
- Increases in federal funding for agricultural conservation programs; and
- The achievement of five million trees planted by the Keystone 10 Million Trees Partnership.

You can read more about these efforts—as well as the proposed settlement—in this issue of our newsletter!

Accountability remains critical as the partnership moves forward. 2025 is a deadline, but not the finish line. We will continue to support the Commonwealth in meeting its commitments as quickly as possible because we know Pennsylvania is the keystone to clean water!

Julia A. Krall

After Planting its 5-Millionth Tree, the Partnership's Ambitious Goal for 2023 is to Add 500,000 New Trees for Pennsylvania

The 2023 planting seasons are the most ambitious yet for the Keystone 10 Million Trees Partnership, to directly fund and plant over 300,000 new trees for Pennsylvania this spring and add another 200,000 in the fall.

The partnership celebrated its midpoint milestone last October when the five-millionth tree was planted at Furnace Run Park in Franklin County.

New partnership manager Joe Hallinan is confident that reaching the 10-million tree goal by 2025 is achievable.

“With the commitment shown by our partners, both new and old, I'd like to believe we can exceed that,” Hallinan said.

Since it launched in 2018, the partnership, coordinated by CBF, has grown to

approximately 300 partners. The partnership is placing special emphasis on plantings in Lancaster County and four other counties in southcentral Pennsylvania.

Those counties are critical because of the amount of nitrogen pollution generated. Those counties are also where the greatest need meets greatest opportunity, both to improve local stream health and reverse the overall loss of trees.

The 2023 campaign got into full swing in late March, with a massive delivery of trees and shrubs at Lancaster Farm and Home.

In mid-April, approximately 14,000 trees were planted at the former sand quarries at Furnace Run Park. Earth Day and Arbor Day observances in April have also been prime times for tree plantings throughout the Keystone State.

Roughly 28,000 miles of Pennsylvania's rivers and streams are damaged by polluted runoff and the legacy of coal mining. Trees are the most cost-effective tools for cleaning and protecting waterways. Trees filter and absorb polluted runoff, stabilize streambanks, and improve soil quality. Trees also help address climate change by cooling the air and sequestering carbon.

“We often don't think about the positive effects that trees have on a community, local economies, and the physical and mental health of our residents,” Hallinan said.



Mercersburg Academy Community Engagement students planted trees at the Conococheague Institute in Franklin County in early April.

“Students learn better, patients heal faster, and our minds are less anxious when we have access to outdoor green space.”

Hallinan thinks trees are one of the biggest bangs for the buck for cleaning water. “But I think they are even bigger in a sense of how we can look at how we interact with our natural world,” he said. “By planting trees today, we can leave our communities a better place for our children and grandchildren.”

To learn more about the Keystone 10 Million Trees Partnership and its ambitious goal, please visit TenMillionTrees.org.



Make Clean Water Part of Your Legacy

There are many ways that you can support our work in Pennsylvania, including through a planned gift.

Including CBF in your will and estate plans offers many benefits, including special recognition, invitations to exclusive events, boat trips, and tax incentives. This has become a great way for many people, at all levels of giving, to leave a conservation legacy gift that helps us to continue our work for generations to come. In addition, you become a member of the Nellie Semans Society, CBF's legacy group.

To learn more visit cbf.org/plannedgiving. You may also reach me at 717-769-4141 or BSieglitz@cbf.org. Thanks very much for supporting our work!

*Brenda Sieglitz,
Director of Major Giving in Pennsylvania*



In April, Cumberland Valley High School students enjoyed time along the Conodoguinet Creek, at a Bioblitz at the Vincent DiFillipo Nature Preserve in Silver Spring Township. Students participated in macroinvertebrates collection and study, water chemistry analysis, a fish survey and identification, herpetology, and riparian buffer maintenance and restoration. The educational experience was presented by CBF, Conodoguinet Creek Watershed Association, and Silver Spring Township.

CBF is Optimistic in Wake of a Proposed Settlement with EPA

By JULIA KRALL

The proposed settlement of a lawsuit filed by CBF and others against the Environmental Protection Agency (EPA) is an opportunity for cleaner streams, resilient farms, and vibrant communities throughout Pennsylvania's Chesapeake Bay watershed.

CBF and its partners—Anne Arundel County, the Maryland Watermen's Association, Bobby Whitescarver and Jeanne Hoffman—filed the lawsuit against EPA in 2020 for its failure to require Pennsylvania to develop and implement a plan to meet its commitments to reduce pollution under the Chesapeake Clean Water Blueprint. The Attorneys General for Delaware, Maryland, the District of Columbia, and Virginia filed a separate similar suit. The courts combined the cases.

Pennsylvania has long lagged significantly behind in meeting its clean water commitments, with nearly 28,000 miles of waters listed as impaired and a legacy of inadequate resources, plans, and accountability to clean them. While it is unfortunate litigation was needed, the settlement agreement provides a true chance to help get Pennsylvania on track to restore and protect the local waters Pennsylvanians wade in, the soils farmers grow crops on, and communities we live in.

Plaintiffs, including CBF, receive no monetary award as a direct result of the settlement. Instead, the settlement requires EPA to focus on using existing tools under the Clean Water Act—ranging from technical assistance and support to compliance and enforcement—to accelerate efforts to keep pollution from running into streams. It does so by focusing on two primary sources of pollution: stormwater runoff in urban and suburban areas, and runoff from manure, fertilizers, and soils on agricultural land.

The settlement also requires EPA to prioritize these efforts in Lancaster, York, Bedford, Cumberland, Centre, Franklin, and Lebanon Counties, particularly in those areas with animal-intensive agriculture and extensive local stream impairment. These seven counties contribute the most pollution to, or have the largest impact on, local rivers and streams and downstream water quality.

In the settlement, urban and suburban areas that currently don't have population densities high enough to require Clean Water Act pollution discharge permits may be required to obtain permits and develop and implement plans to reduce polluted runoff.

Similarly, the EPA is obligated to work with the Department of Environmental Protection (DEP) to consider whether some smaller livestock farms in York and Lancaster Counties should be classified as concentrated animal feeding operations (CAFOs), especially



Settlement of a lawsuit requires EPA to focus on using existing tools under the Clean Water Act—ranging from technical assistance and support to compliance and enforcement—to accelerate efforts to keep pollution from running into streams.

if they are found to be a source of pollution to local streams. The federal Clean Water Act requires that CAFOs obtain pollution discharge permits. The result would be less pollution from smaller farms fouling our waters. If EPA determines progress is still lacking by early next year, the agency will begin looking at expanding its focus to include Franklin, Lebanon, Cumberland, Centre, and Bedford counties.

Pennsylvania is relying on agriculture to account for roughly 90 percent of the remaining pollution reductions needed to meet its Chesapeake Bay Clean Water Blueprint commitments, and it has a lot of work to do to get back on track.

There are reasons to be optimistic.

Over the last five years, the Commonwealth has cultivated an unprecedented level of awareness and support for clean water efforts. Many communities across the watershed have embraced localized efforts to do things like plant trees alongside streams and streets, create rain gardens, and upgrade old infrastructure to reduce polluted stormwater and raw sewage discharges. County-led efforts, including hundreds of clean-water advocates, have developed and are implementing local clean-water plans.

Moreover, many farmers have shown they are willing to invest their time, land, limited funds, and effort to clean and protect local waters. There is real commitment from our county conservation districts, the folks who work out of the U.S. Department of Agriculture offices, and local nonprofits to help them do so.

The settlement also comes at a time when an unprecedented amount of funding is available. This includes historic investments made by the Commonwealth last year that established the \$220 million Clean Streams Fund. An essential part of the fund is a cost-share program called the Agricultural Conservation Assistance Program (ACAP). With \$154 million from the Clean Streams Fund, ACAP will help family farmers design and install conservation practices that keep soils and nutrients on the farm and out of the water.

The 2023 Farm Bill is a unique opportunity to focus vital federal conservation resources to farms in Pennsylvania.

But it's not just about the money. What's needed is more widespread implementation. To finish the job, we need investment in technical staff and resources. We need people working in outreach and education; and we need people with the expertise to help farmers design and build effective conservation practices. We also need a strong commitment to accountability, at both the state and federal level, without which the best-laid plans and intentions will fail to result in clean water.

We can make it happen—in Pennsylvania, and across the Chesapeake Bay watershed, achieving our collective clean-water goals starts and ends with improving the quality of local water. We remain committed to doing our part to leave a legacy of clean water for future generations.

Julia Krall is Executive Director of the Chesapeake Bay Foundation in Pennsylvania.



CBF Eyes Multiple Legislative Priorities

Here are a few things CBF would like to see happen this year, to accelerate the Commonwealth toward meeting its clean water commitments.

We urge the legislature, and new administration of Governor Josh Shapiro, to take the Commonwealth's commitment to clean water to the next level and follow the Clean Water Blueprint for success.

In 2023, we look to the governor and General Assembly to increase sustained investments of financial and technical resources in the Clean Streams Fund and Agricultural Conservation Assistance Program (ACAP).

All conservation practices would be eligible for ACAP cost-share funds. Among them, CBF would like to see more trees planted, and fewer livestock in streams.

CBF is especially proud of progress made by the Keystone 10 Million Trees Partnership, which planted its five millionth tree in October.

As for livestock fencing, direct deposits of manure by farm animals standing in streams seriously degrade water quality and threaten the health of animals and people. Livestock in streams can introduce pathogens to surface water, the source of drinking water for most Pennsylvanians. Herd health and milk and beef production are known to improve when livestock have clean water to drink.



Testing and teamwork at the Halfmoon Creek, left, and Pequea Creek, right, watersheds helped to develop restoration plans that will improve streams in parts of four Pennsylvania counties.



Restoration Plans Coordinated by CBF to Improve Waters in Parts of Four Counties

A pair of innovative restoration plans orchestrated by two CBF watershed coordinators, received investments of over \$3.2 million to bring back to health impaired streams in four Pennsylvania counties.

Within the 153 square-mile Pequea Creek Watershed in Lancaster and Chester counties, funding will be used to design and implement priority practices that keep soils and nutrients on the land instead of in the water and to restore critical habitats. A determined group of water quality experts and volunteers developed the plan, led by CBF Watershed Coordinator Brian Gish.

For the 25 square-mile Halfmoon Creek Watershed, which is also impaired by polluted runoff, the goals are similar to the Pequea but are tailored to the specific needs, opportunities, and desires of watershed residents. The creek flows through Centre and Huntingdon counties. CBF Watershed Coordinator Caitlin Glagola orchestrated the plan with a diverse partnership.

With approval by the state Department of Environmental Protection and EPA, both plans are eligible for federal funding through Section 319 of the Clean Water Act. Section

319 funding addresses non-point source pollution from agriculture, stormwater, and acid mine drainage.

The Halfmoon and Pequea plans caught the eyes of Senators Bob Casey (D) and Ben Cardin (D) who secured over \$3.2 million to help start implementation of high priority projects in both watersheds over the next five years. While monitoring and other research provided roadmaps for the restoration plans, partnerships were the foundation for success. "The partnerships are the biggest assets and will continue this initiative forward," Glagola said. "If you have a plan in place, it is only effective if the partners make sure that what we've worked toward and put into it writing gets set into action."

"The challenge of writing the plan pales in comparison to implementing it," Gish added about the Pequea plan. "This will require decades of efforts but with continued community support and funding, the Pequea will one day reach its vibrant potential."

Funding for the Pequea and Halfmoon restoration plans was made possible by the Richard King Mellon Foundation.

"The Halfmoon and Pequea plans represent the first in a new generation of Section 319 plans in Pennsylvania," said Harry Campbell, CBF Science Policy and Advocacy Director in Pennsylvania. "No other plans have brought together the technical and stakeholder elements in this way."

Gish and Glagola are developing new watershed restoration plans for the Upper Conestoga River in Lancaster, Berks, and Chester counties, and Marsh Creek in Centre County, respectively.



CHESAPEAKE BAY FOUNDATION

Saving a National Treasure

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PENNSYLVANIA
1426 North Third Street
Suite 220
Harrisburg, PA 17102
717-234-5550

PHILIP MERRILL ENVIRONMENTAL CENTER
6 Herndon Avenue
Annapolis, MD 21403
410-268-8816

