Statement of
The Honorable James L. Oberstar
Subcommittee on Water Resources and Environment
Hearing On
"Protection and Restoration of The Chesapeake Bay"
July 30, 2008

Today's Water Resources and Environment Subcommittee hearing focuses on the Chesapeake Bay.

This magnificent estuary has occupied a central place in our Nation's history. In pre-Columbian times, the Bay offered Native American tribes fertile ground in which to base their communities. The English explorer, John Smith, established the first permanent English settlement in North America, Jamestown, on the shores of the Chesapeake. The American Revolution effectively ended in Yorktown, Virginia, in combination with a French blockade of the Chesapeake Bay. Our Nation's capitol was established on one of the Chesapeake's major tributaries, the Potomac River. And at the head of the Bay, Baltimore has long been a center of trade and shipping on the Atlantic seaboard. In short, the Chesapeake Bay occupies rich territory as a central part of our historical narrative.

And while the Chesapeake Bay watershed transcends only six states of 50, it is in the context of history, and also in terms of the role that its vast recreational outlets and important fisheries play in adding to our economy as a whole, that the degradation of the Chesapeake Bay must be perceived as a national problem – and not simply a regional one.

The Chesapeake Bay Program, the primary partnership for Bay protection and restoration, has done a very good job in providing us with information on the state of the Chesapeake Bay. And consistent with anecdotal observations stretching back to the 1930s, the most recent information on the state of the Bay, released earlier this year, shows that the Bay continues to be degraded.

Many of the Bay's fish and shellfish populations are below historic levels. Bay habitat such as wetlands, underwater bay grasses, and the benthic environment are in ill health. And central to all of these indicators is water quality. Water quality, in many of the Bay's tributaries, and in the Bay itself, is severely degraded. Subsequently, the habitat and living resources that rely upon it suffer as a result.

The primary drivers of impairments are agricultural run-off, nutrient pollution from wastewater treatment facilities, toxics from legacy contamination and industrial facilities, urban stormwater runoff as a result of largely unchecked development throughout the region, and atmospheric deposition from power plants and the increasing number of cars in the watershed.

These are all challenging issues. Nevertheless, this Committee has jurisdiction over at least some facet of each of these areas, and it is incumbent upon us to think seriously about them – whether as part of a future Chesapeake Bay Program reauthorization package, or as individual components and initiatives.

The Chesapeake Bay Program was established through the Chesapeake Bay Agreement in 1983. Since then, new iterations of the Agreement have been signed on a number of occasions – most recently in 2000. This agreement, Chesapeake 2000, established goals that would have had the Chesapeake Bay effectively restored by 2010. However, even in 2006 it was glaringly obvious that the Bay Program would not achieve the Chesapeake 2000 goals. EPA acknowledged as much the following year. Now the Agency has announced that they will be doing a Total Maximum Daily Load calculation for the Bay. This is currently scheduled to be completed in 2011, although there are indications that this may be moved forward to 2010. Even if this earlier date is agreed to, actions to clean up the Bay, as a result, would not take place till after the TMDLs are completed – at least ten years after the Chesapeake 2000 agreement was signed!

While TMDLs are useful tools, I would caution the Agency from proceeding down a path that further delays the clean-up of the Bay. We cannot fall prey to the perils of continued research and study at the expense of action that would actually realize substantive improvements to Bay water quality.

It is in this sense that this Committee must take a hard look at what needs to be done to improve the Bay Program. These improvements should include mechanisms to encourage stronger partnerships between Federal, state, and local governments, as well as actions to implement water quality protection measures.

Today's hearing should be invaluable to this eventual reauthorization of the Chesapeake Bay Program. Our third panel consists of a number of respected thinkers, stakeholders, and previous policy-makers who are all dedicated to improving the Bay. Each has strong feelings on what form this reauthorization might take, and how improved implementation might occur. I hope to hear a healthy and vigorous dialogue that can help to inform this Committee about what steps it may want to take next.

I thank Chairwoman Johnson for holding this important hearing today.