



COMMONWEALTH of VIRGINIA

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TESTIMONY

**To the House Committee on Government Reform
Secretary of Natural Resources W. Tayloe Murphy, Jr.
August 20, 2004
Fort Monroe
Hampton, Virginia**

Mr. Chairman and members of the Committee:

On behalf of Governor Warner, I thank you for scheduling this meeting, and for taking such a keen interest in the Chesapeake Bay Program. My message to you today is a simple one. Restoration of the Chesapeake Bay is both possible, and critical to the future environmental and economic health of the Commonwealth. However, a clean and healthy Bay will not come without substantial public and private investment, and the unwavering support of all levels of government as well as private stakeholders.

I suspect that there will always be disagreements about water quality data and its interpretation. On the other hand, I do not doubt for a moment that the Bay Program office has been absolutely forthright with the public about the magnitude of the challenges involved in restoring the Bay, and the difficulties we face in meeting them.

I would suggest that it is much easier to write critical newspaper articles and press releases than it is to govern effectively and fairly. The work we have before us is fraught with political and fiscal complications and simple solutions that make for good press do not necessarily constitute wise public policy. I want to take this opportunity to assure you that we are moving inexorably towards the goals established for a restored bay, but these are difficult, expensive and complex issues that take time to resolve.

Governor Warner and his counterparts in our sister states cannot do it alone. We need the strong support of conservationists, industry, local governments, members of the General Assemblies of the states, the United States Congress and the President to achieve success.

I value greatly the scientific work that is being done by the Chesapeake Bay Program under Rebecca Hanmer's leadership. This program has always brought forward the best available science and state of the art measures of progress. I expect the professionalism and

commitment to science that has been the hallmark of this program will continue. I know Rebecca will address these issues in her testimony, but let me say this: Regardless of the issues raised in the press, we have always and will continue to base our measure of success on actual water quality conditions. Only monitoring tells us that our waters meet water quality standards. We use the Chesapeake Bay model as a management tool, but what happens in the water is of paramount importance.

Based on recent press reports and other sources, the public may have the impression that we are somehow attempting to mislead them about the magnitude of the task at hand and the progress we have made. Nothing could be further from the truth.

I have said since becoming Secretary and I will say it again today: meeting our Chesapeake Bay restoration goals is the single most important water quality initiative facing Virginia. I will also say today, as I have said repeatedly in the past, these goals are monumental and without significant financial support from public and private sectors and without significant changes to how we farm, manage stormwater, convert land, use septic tanks and treat industrial and municipal waste, we have no hope in meeting them.

I would like to take a moment to report to you on the actions we are taking in Virginia.

With Governor Warner's leadership, the General Assembly appropriated \$37 million over this biennium to the Water Quality Improvement Fund, the principal vehicle for funding nutrient reduction programs from point and nonpoint sources. We expect another \$30 million will be appropriated to the fund in the next session of the General Assembly. It is certainly not all we need, but it represents the first contribution to the fund in 3 years and an important step forward.

In April, we released for public comment draft tributary strategies for all of Virginia's Chesapeake Bay tributaries. The strategies propose a suite of management practices for nonpoint sources and levels of treatment for point sources that achieve our reduction goals. We are currently revising those documents based on public comment and preparing implementation plans.

In June, the Virginia State Water Control Board released for public comment, draft water quality standards for Virginia's tidal waters for dissolved oxygen, chlorophyll "a" and water clarity prepared by the Department of Environmental Quality.

The board will consider, at its meeting on August 31, a regulation for technology-based nutrient limits in wastewater discharge permits as well as nutrient loading allocations for point source facilities in the Chesapeake Bay watershed that will reduce and cap point source loads.

On the nonpoint source side, we are working to better target our cost share programs for non point sources through our Department of Conservation and Recreation in partnership with local governments and soil and water conservation districts.

Agencies in my secretariat are working closely with the General Assembly's Joint Legislative Audit and Review Commission on its study of Nutrient Management Planning in Virginia. We will review the JLARC's findings later this year to help determine what additional initiatives we should pursue to better use this important nutrient reduction tool for agriculture.

In addition, DCR, in cooperation with the Department of Environmental Quality, is implementing the legislation proposed by the Governor and passed by the 2004 General Assembly that reorganizes our stormwater management programs and expands the coverage of those programs statewide.

With regard to nonpoint sources, some practices can be implemented either through regulation or incentives. However, some can only be achieved through incentive based programs. Therefore, money is clearly our biggest challenge. We must continue the search for new sources of revenue as well as increased amounts to support the achievement of our objectives. Without additional support from state or federal sources, the cost of compliance with new regulations and programs will fall entirely the property owner. Accordingly, we will continue to pursue initiatives to fund these ambitious strategies from other sources so that the entire burden will not be borne at the local level.

In closing, let me give you a final perspective on what these programs mean to me personally and to Virginia. As some of you know, I am from the Northern Neck of Virginia; a peninsula bounded by the Potomac, the Rappahannock and the Chesapeake Bay. I was born there and have lived nearly all of my life on the banks of the Potomac River. Since I began my career in public service as a member of the House of Delegates, I have seen changes in the resources of the bay. In 1984 oyster harvests in Virginia were over 4 million pounds; in 2003, the harvest of oysters yielded just over 77,000 pounds. In 1984 there were 200 oyster-shucking houses in Virginia; in 2003 there were 20. In 1984 blue crab harvests in Virginia were over 50 million pounds; in 2003 the harvest was down 58% to just over 21 million pounds. In 1984 there were 75 crab picking houses in the Commonwealth; in 2003 there were 10. When one considers these statistics there is small wonder that those engaged in the fishing industry feel that they have paid the cost of our neglect of their interest in water quality and habitat protection.

We are not talking simply about water quality improvements for water quality's sake; improved water quality will contribute mightily to Virginia's economy whether it be commercial or recreational fishing or tourism.

Once again, thank you for the opportunity to speak to you today and I look forward to your continued interest but more importantly your support in reaching our ambitious, but necessary, goals.