

A Clever Plan to Open up and Clean up the Chesapeake

This plan Could Work and Here's why¹

By Daniel J. Basta²

Since the 1975 Amendments to the Clear Water Act, more attention, analysis, planning, creation of governmental and nongovernmental institutions and regulations, and investment has been made in Chesapeake Bay than in any comparable water body in the world. All involved in the process and the citizens of the Bay have declared victory more than once and each time eventually came to realize their “prized solutions and management regimes” had not worked. There are many reasons for this, but the same process and thinking continued to be repeated, with the same aspirations, and has led to the same result. Are we smart, well trained, and committed individuals getting it right and it is the darn “Bay that is simply not cooperating” with us. Or has something been fundamentally wrong with our thinking, and perhaps even training, about how such very difficult environmental problems should be addressed. Overtime I came to gradually change my views, after decades of working on these problems around the country and elsewhere I realized the limits of centralized top down approaches. As Director of the Office of National Marine Sanctuaries in NOAA from 1999 to 2016 I advocated that a de-centralized bottom-up process blended with a centralized orchestration was perhaps the only way to arrest the Bay's decline. In essence to save the Bay a place at a time through its' communities. But such solutions would take time and patience, not commodities in great supply today

The bill proposed by Senator Van Hollen and Representative Sarbanes essentially contains the seeds for crafting solution(s) for a return to bottom-up approaches – through empowering

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community and placed based coalitions – to help resolve environmental problems over large areas such as Chesapeake Bay. Much of the nations’ governing environmental legislation since the 1972 Clean Water Act has driven top-down “big government” approaches. Which was the only way the Congress could perceive addressing the national environmental crises of the 1970s. At that time, I also believed it was the only way a difference could be made in the country. Progress was made for sure, but where are we now is the question and especially in Chesapeake Bay. Are these approaches as relevant today? The Van Hollen/ Sarbanes Bill signals a new approach and recognizes that more of the same, although undertaken by very dedicated and passionate advocates, would only continue the cycle that has resulted in where we find the Bay today. It clearly recognizes that to add another comprehensive top-down Federal jurisdiction on top of the very complicated regime of the Bay would only distracted everyone from the good things they were already doing, even though the Bay is continuing its’ decline.

Almost a decade ago we began small steps to create the “seeds” of an alternative placed based community management approach in the Bay now embodied in the Van Hollen/ Sarbanes Bill. This fledgling attempt identified historically important maritime heritage sites and the communities that value them in the Bay as a starting point. The recently designated Mallow Bay National Marine Sanctuary in the Potomac River was the first on this list. It took more than a decade to effect. It is exactly the type of site(s) proposed be created in the Bill. Everyone involved in this Bill should look closely at the Mallow Bay experience and the lessons learned. (They probably have.)

But I cannot stress strongly enough, for the Van Hollen/ Sarbanes Bill to deliver on expectations the process of selecting, designating, and putting sites into operation must be greatly accelerated. The Bill must create a kind of a “crash” program logic of urgency. The glacial movement of bureaucracy – Federal and State – is the primary enemy of this Bill and will defeat it’s intent if not given special authorities to over come it. The citizens of the Bay deserve more that another “business as usual” implementation scheme. The Bay itself will only cooperate if we change “our tune” – pursuing effective bottom-up community based solutions. I recommend

interest parties get behind the Van Hollen/ Sarbanes Bill, it carries the seeds of innovation beyond the Chesapeake Bay.