

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHESAPEAKE BAY

Mr. CARDIN. Mr. President, I have taken to the floor many times to talk about the Chesapeake Bay—the largest estuary in the Northern Hemisphere, and declared a national treasure by not only President Obama but by several U.S. Presidents.

For the 17 million people who live in the Chesapeake Bay watershed, it is part of their life. From the residents of Smith Island, which is the last inhabitable island in the Maryland part of the Chesapeake Bay, to those who enjoy fishing for rockfish in the bay, to its oysters, its crabs, the over 11,000 miles of shoreline created by the Chesapeake Bay, the 150 major rivers that feed into the Chesapeake Bay, and the \$1 trillion to the economy, the Chesapeake Bay is truly part of the life of those of us who are privileged to live in the Chesapeake Bay watershed.

I have spoken about this bay many times because it is being threatened. Over 30 years ago, Maryland, Virginia, and Delaware, along with the EPA and other partners, entered into a Chesapeake Bay agreement.

This has grown to six States, including the Presiding Officer's State of West Virginia, and other governmental entities in the private sector. The Chesapeake Bay agreement has been revisited over time, and the most recent effort to update this agreement was the draft submitted by the Obama administration on January 29 of this year. This draft agreement is what I wish to speak about with my colleagues.

The development of sound policies to restore the Chesapeake Bay has been a top priority of mine over the course of my career in Congress. I have been fortunate to have great partners in Congress representing the Bay States. Together we have worked to develop effective conservation and ecosystem restoration programs in the farm bill, the Water Resources Development Act, the Clean Water Act, and elsewhere in law supporting a variety of conservation and ecosystem approaches across different sectors.

The Army Corps, USDA, and EPA are not the only Federal agencies doing important Chesapeake Bay work. NOAA, USGS, the U.S. Fish and Wildlife Service, and the National Park Service are also important Federal partners in the broader effort to restore the Bay.

President Obama's May 2009 Chesapeake Bay Executive order recognized both the national interest in restoring the Chesapeake Bay and improving Federal coordination of restoration efforts because of a wide-ranging involvement of different departments and agencies of the Federal Government. The coordination of seven jurisdictions, hundreds of local communities, seven cabinet-level Federal de-

partments, and stakeholders of all stripes have necessitated the development of the Chesapeake Bay agreement to affirm the conservation goals of everyone involved in this effort.

I wish to stress the importance of broad involvement of all stakeholders in the effort to restore the Chesapeake Bay. The populations living and working in the bay watershed must realize we are all in this together. The major stakeholders in regard to our conservation action include farmers. Farming is not only a way of life in the Chesapeake Bay watershed, it is a desirable activity within the Chesapeake Bay watershed for the future of the Chesapeake Bay. But there are certain challenges as a result of farming as it relates to nitrogen in the bay and in the sediments.

Developers. We are proud of the fact people want to live in the Chesapeake Bay watershed. We have seen a major increase in population. But with that comes the challenge of storm runoff, and we have to do a better job of preventing storm runoff dumping pollution into the bay, and the municipalities which are responsible for the growth of populations have to deal with how they treat wastewater, and the wastewater treatment plants need to be updated so we can have the maximum results in removing the pollution which otherwise would end up threatening the future of the bay.

The Chesapeake Bay agreement outlines a fairly comprehensive approach to continuing efforts to restore the bay which is dependent upon all stakeholders doing their part. The draft agreement is a good outline, but there is room for improvement in the draft agreement as well. I hope that while the agreement is in this period of public comment, the final will be approved.

The Chesapeake Bay program partnership was formed in 1983, when the Governors of Maryland, Pennsylvania, and Virginia, the Mayor of the District of Columbia, the chair of the Chesapeake Bay Commission, and the EPA signed the first Chesapeake Bay agreement. For more than 30 years these entities have remained committed to the goal of restoring the Chesapeake Bay. As the science has determined and the interest in Bay stewardship has broadened, this partnership has since expanded to become a basin-wide effort where all six States of the basin are now party to the agreement.

Working together to achieve the various goals of the agreement is what will help ensure the Chesapeake Bay we will leave for our children is healthier tomorrow than it is today. The agreement does acknowledge the partnership cannot address every goal in the agreement instantaneously. Certainly some goals may take longer to realize than others, but all the goals are achievable, and some I think should be even more ambitious. They are based upon best science. We think science needs to judge what we can do

as far as cleaning up the Chesapeake Bay.

The agreement wisely suggests action be taken in a strategic and cost-effective manner. We want to make sure this is doable. We understand the burdens which can be caused. We want to make sure this is layered in a way which achieves best science results but does it in the most cost-effective manner.

Of the principles laid out in the agreement, I wish to acknowledge the partnership's commitment to transparency and consensus building. We want all stakeholders involved in the process, and we want local involvement. We think local governments know how we can best achieve our results. The goals of the agreement deal with very sensitive issues such as natural land preservation, nutrient pollution reduction, and others.

The process must be fair and open. The strategic development process and achieving the agreement's conservation goals must be devised in an all-inclusive manner which is open to the public so that all are included in the process.

There is a great deal of skepticism in certain communities about the government's role and its actions to protect and restore the bay. I have heard that skepticism from certain constituencies. I have learned that having an open dialog with stakeholders, carefully explaining intentions, listening to concerns, and answering questions goes a long way toward building consensus and acceptance.

The agreement acknowledges the role the bay TMDL plays in achieving the water quality goals of the bay. A majority of the waters of the Chesapeake Bay are within the boundaries of the State of Maryland. Thousands of Maryland watermen make their living on the bay. The property value and tourism draw of communities up and down the Eastern and Western Shores of Maryland, not to mention the Marylanders who swim and fish in the bay, all depend upon a healthy bay.

But there is no degree of action Maryland can take on its own, no matter how drastic, which will improve the bay quality—not without the other five States and the District of Columbia in the watershed doing their part as well. The TMDL assures that all Bay States are coordinated in their efforts to improve bay water quality. The agreement acknowledges the importance of the TMDL.

The TMDL gives us a level playing field so we can make sure all stakeholders in all geographical areas are treated fairly in achieving the goals of reducing pollution in the bay. I support the fisheries goal of the agreement. Restoring the iconic Maryland blue crab in the bay is important for so many reasons. The agreement sets the goal of maintaining a population of 215 female adult crabs through 2025. Blue crabs are a vital part of the food chain throughout the bay's ecosystem and

they are at the heart of the Mid-Atlantic's multibillion dollar seafood industry.

Restoration of native oyster habitat and replenishing the bay's oyster population is critical from both an economic and water quality standpoint. The agreement sets the goals of restoring native oyster habitat and populations to the ten tributaries of the bay by 2025.

As I am sure the Presiding Officer is aware, our oyster population is a fraction of historic levels. The oyster is not only an important cash crop in the bay; it also acts as a filter to the pollution in the bay, restoring bay water quality. Bay oysters are another important seafood commodity for watermen making their living on the bay. Oysters are also important to improving water quality. Oysters are bivalve mollusks which play an important role in reducing nitrogen pollution in the bay.

Oyster populations had been in sharp decline due to the destruction of oyster beds along the seafloor of the bay. Habitat restoration efforts led by the Army Corps, the growth of oyster farming operations, and Virginia and Maryland's efforts are helping oysters rebound across the bay, which is good for the economy and water quality of the bay.

The agreement's wildlife habitat and wetlands restoration goals are, in my opinion, too low. I would encourage the partnership to consider setting more ambitious goals. Wetland restoration is critical to flood protection and water quality improvement as well as providing important duck habitat and fish spawning habitat.

Reauthorizing the North American Wetland Conservation Act, which I am a cosponsor of and was happy to see the Senate Environment and Public Works Committee recently report with unanimous support, will provide additional financial and technical assistance to help achieve improved wetlands conservation in the Chesapeake Bay watershed.

Programs such as the North American Wetland Conservation Act, the Corps' Chesapeake Bay Ecosystem Restoration Program, and the farm bill's Regional Conservation Partnership Program, along with numerous State efforts to restore wetlands and habitats across the six-State region, are why I believe the agreement can do better.

I also believe the agreement's goals to improve fish passage along the bay's rivers and tributaries could be more ambitious. The agreement aims to open an additional 1,000 stream miles to fish passage. The revisions to the Continuing Authorities Program in WRDA will help fund critical dam removal projects around the watershed which will improve fish passage. If the decisions to remove dams and other barriers to fish passage are strategically made, this goal could be far exceeded, which is why I think the goal should be revised and be based upon the execu-

tion of strategic fish passage projects. This would include improving eel passage on the Conowingo Dam. I am pleased to know that the dam's operators are aware of and interested in helping us devise practical solutions.

With respect to the agreement's goals on forest buffer and tree canopy, I believe there is room for improvement in the goals the draft agreement sets. The agreement sets the goal of restoring 900 miles of riparian forest per year and expands the urban tree canopy by 2,400 acres by 2025. This seems to be low given the opportunity which exists to grow more trees in urban areas because of how desirable trees are to improving the quality of life and character of urban communities and importance of trees to reducing storm water runoff in urban areas.

The agreement sets the goal of protecting an additional 2 million acres of land throughout the watershed. This is critically important to stem poor land-use planning and sprawl while also establishing lands which serve as critical water quality improvement mechanisms.

One omission from this land conservation goal I think is important is to ensure public access to lands conserved by the State, local, and Federal Government. Public-preserved for the purpose of protecting habitat and improving the ecosystem within the watershed is important, but so is providing outdoor recreational access to the public. After all, ensuring public access to conservation lands and encouraging people to experience these lands is critical to building the public's understanding of the environment and developing an appreciation for all conservation efforts happening around the watershed.

In Maryland, my colleague in the House, Congressman SARBANES, has been very instrumental in the leadership of No Child Left Inside. By this we mean the education of our children including getting outdoors to understand the importance of the Chesapeake Bay and understanding what they can do to help the bay. Access to these restoration projects—by the public, by our students, by all—helps build the support base we need to get these programs moving forward and also understanding what we do here in the watershed and the importance it has on the future of the Chesapeake Bay.

Lastly, I wish to speak about a couple issues the agreement does not address. Reducing the presence or improving the secure storage of toxic chemicals in use around the watershed is a growing problem. As the Presiding Officer knows, while the recent chemical spill in West Virginia was not in the Chesapeake Bay watershed, the incident does highlight the risk facilities such as the one which failed in Charleston pose to our great water bodies. In the Chesapeake Bay watershed there are dozens of chemical storage facilities and industrial activities which use toxic chemicals on a regular basis. Im-

proving the security and reducing the contamination risks from these facilities should be a part of the Chesapeake Bay agreement.

The agreement also makes no mention of the single greatest threat to the bay and the world over. Adapting to the effects of climate change should also be part of the bay restoration plan. I talked about this earlier today, as many of the Senators who came to the floor to talk about climate change: Rising sea levels pose threats to the hundreds of Chesapeake Bay communities and millions of people who live in the Chesapeake Bay watershed.

Aquatic acidification poses a long-term threat to all aquatic species, including blue crabs, oysters, rockfish, sturgeon, menhaden, and other hallmark species of the bay. If the fish and shellfish go, so does a way of life for many thousands of families around the bay.

Let's deal with these problems. We have a chance in the Chesapeake Bay agreement to be more ambitious in dealing with acidification in our ocean and in the bay. And we must adapt our water infrastructure to handle the effects of more intense weather events in the bay region to reduce the water quality impacts of these events and to protect individuals' property.

The agreement is an important step toward the restoration of the Chesapeake Bay. Billions have been spent and progress has been made. And I wish to stress that we have made progress. We have done a lot of good things in the Chesapeake Bay. But our resources are large and fragile and face unprecedented pressure, and it is going to continue to take increased resources to restore and protect for future generations. So the good news is we have made progress.

We can do much more. We can preserve the iconic Chesapeake Bay for future generations, so people, our children and grandchildren, can enjoy the fishing, crabbing, swimming, and the sheer beauty of the Chesapeake Bay, and can benefit from its economic importance to our region. We can do this for future generations.

Let's be more ambitious in the Chesapeake Bay agreement. Let's work together, use best science, and be practical. But let's be on a constant path of improving the Chesapeake Bay.

Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask for unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DOMESTIC FUEL TAX

Mr. HOEVEN. This morning I spoke on the floor and I talked about energy. I talked about the need for a States