

analysis of the benefits of the TMDL should be based only on any further reductions beyond this baseline.

- b. The surveys inappropriately include benefits associated with hypothetical lake improvements that cannot be attributed to the TMDL.

Another significant example of benefits unrelated to the Bay respondents to include improvements to lake conditions, as well as improvements to the Chesapeake Bay and its tidal waters when considering their willingness to pay.

The Chesapeake Bay TMDL allocates total loadings of nitrogen, phosphorus, and sediment that reach the Chesapeake Bay to upstream sources based by subdividing loads reaching the Bay into the loads coming from the major rivers that feed the Bay. Those loads are then further divided into sub-basins, associated with smaller tributaries. The plans for implementing those allocations are based on modeled loadings of nitrogen, phosphorus, and sediment from rivers and streams with at least 100 cubic feet per second (cfs) mean annual flow (or 50 cfs if the subwatershed is gauged). *See* Feb. 20, 2008, Scientific and Technical Advisory Committee, Chesapeake Bay Watershed Model Phase V Review, at 2. Thus, the implementation plans are designed to reduce the amount nitrogen, phosphorus, and sediment that reach the rivers and streams that feed the Bay. Unless a lake is part of the tributary system of the Chesapeake Bay, nothing in the TMDL or in the TMDL implementation plans address nitrogen, phosphorus or sediment loadings to that lake.

This means that hypothetical benefits to lakes do not belong in a survey of hypothetical benefits of the Chesapeake Bay TMDL unless those benefits are limited to lakes that are part of the tributary system of the Bay. However, the proposed surveys fail to make that distinction. In fact, the survey questions do not even distinguish between lakes in the watershed and lakes outside of it.

The narrative part of the surveys (before the questions are asked) inform the respondents that the Chesapeake Bay Watershed includes thousands of lakes. Further, the surveys inform respondents

respondents may agree with that statement.

asis in reality. As EPA admits, it has not developed an estimate of the costs of implementing the Bay TMDL. However, the costs are likely to be very high. High costs are relevant to the survey answers. Question 16 (or 17) of the surveys includes an answer: would could affect survey responses if the full costs of the Bay TMDL were known.

4. EPA should include a survey with an increasing baseline.

As EPA knows, water quality improvements would continue under a variety of programs absent the Bay TMDL. Given this fact, the surveys also should include a version with a baseline that shows water quality improvements absent the Bay TMDL.

5. EPA cannot double-count benefits.

EPA acknowledges that its proposed surveys are designed to capture both use (economic) and non-use values. In fact, EPA proposes to send more surveys to persons who live in the Chesapeake Bay Watershed to capture use value, and to send the surveys to some persons who live outside of the watershed in an attempt to capture non-use values. Part B of the Supporting Statement, at 4. EPA cannot add any benefits resulting from these flawed surveys to benefits derived from economic studies to come up with a total value of the benefits of the Bay TMDL. To do so would double count use benefits because the same use benefits could be captured by both the surveys and by economic studies.

6. The questions contain errors.

the input or output is an increase or no change.

7. EPA does not adequately explain its sampling methodology.

EPA fails to explain which surveys it plans to use and whether a statistically relevant sample of households will receive each survey.

Conclusion

Improved Wat

Associated General Contractors of America
Delaware Maryland Agribusiness Association
The Fertilizer Institute
International Council of Shopping Centers
National Association of Home Builders

National Chicken Council
National Council of Farmer Cooperatives
National Pork Producers Council
National Turkey Federation
Oregon Women In Timber
Treated Wood Council
United Egg Producers
Virginia Poultry Federation
The Western Business Roundtable
West Virginia Forestry Association