



## *Saving the Chesapeake's Great Rivers and Special Places*

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July 31, 2023

Regulatory and Customer Service Division Chief,  
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Water and Science Administration,  
Maryland Department of Environment,  
1800 Washington Boulevard, Suite 430,  
Baltimore, Maryland, 21230

RE: Conowingo Dam Section 401 Water Quality Certification, 17-WQC-02

Dear Ms. Spendiff:

The Chesapeake Conservancy (Conservancy) hereby submits public comments with regard to the Conowingo Dam Section 401 Water Quality Certification, 17-WQC-02. Our organization has done extensive research and outreach pertaining to land conservation priorities within the FERC Boundary for the Conowingo Dam. Land conservation has a direct impact on water quality, as well as historical, cultural, recreational, and ecological resources along the Susquehanna River and in the Chesapeake Bay watershed. We urge you to consider including significant land conservation outcomes in your WQC administrative process.

The Chesapeake Conservancy is a non-profit organization headquartered in Annapolis, Maryland. Our mission is: To conserve and restore the natural and cultural resources of the Chesapeake Bay watershed for the enjoyment, education and inspiration of this and future generations. To achieve this mission, the Conservancy utilizes partnerships with agencies, nonprofits, Indian Tribes and other stakeholders and citizen engagement to promote land conservation, species habitat protection and to increase public access and recreational opportunities, especially for underserved communities.

Our organization believes that land conservation has tangible and critical benefits for the Bay restoration and conservation movement — filtering water, recharging aquifers, sequestering carbon, eating nitrogen, stopping siltation — this is in addition to open space, wildlife habitat and access for recreation. Our research shows that protected forests and wetlands are the hardest working silent partners in the restoration effort that we have and that there is incredible benefit — and immense potential — to be gained from the water quality benefits conservation provides. Many of the strategies employed by the EPA Bay Program's Goal Implementation Teams depend on land conservation to be successful.

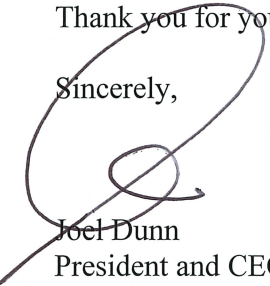
The Conservancy has been a participant in the comprehensive negotiations with regard to the dam license between Constellation (formerly Exelon), agencies and other interested parties since they began in July 2012. After their license was granted in 2021, the Conservancy and the Harford Land Trust approached Constellation about potential land donations in the former FERC boundary. The Conservancy, the Trust, City of Havre De Grace, Town of Port Deposit, and Town of Perryville were thrilled that Constellation subsequently agreed to donate 300 acres of land along the Susquehanna River corridor, providing public access to the river indefinitely. Constellation made a public announcement about their intentions to generously donate these lands in October of 2022 to several public agencies for the creation or expansion of parks.

Since then, the Conservancy and the Trust have worked closely with Constellation to conduct extensive title reviews and coordination among the many eventual public landowners, including the City of Havre De Grace, Town of Port Deposit, Town of Perryville and Maryland Department of Natural Resources. Constellation's leadership has been very supportive of our work with their staff to achieve this worthy goal. This has required hundreds of hours of detailed research and staff time. Importantly, while these lands have no impact today on the operations of the dam and Constellation is still willing to donate them, when the D.C. Circuit ordered that the FERC license be vacated, Constellation was no longer legally able to donate much of the 300 acres of land because the FERC boundary reverted back to the pre-2021 licensing boundary.

The Conservancy and the Trust are part of a large movement working on land conservation in this part of the Chesapeake Bay watershed including federal and state agencies as well as conservation groups from both Pennsylvania and Maryland. The permanent protection of these lands along the river is very important to us. Any considerations of the WQC administrative process should include consideration to ensure that critical lands along the river are protected, as well as Constellation's generous offer to donate at least 300 of those acres to the public. We urge you to seek resolution to this matter and revise the FERC project boundary accordingly so that our important land conservation work may continue.

Thank you for your consideration.

Sincerely,



Joel Dunn  
President and CEO

CC: Randall Larrimore, Chairman, Chesapeake Conservancy