Roy Hoagland: My name is Roy Hoagland. I was born August 17th, 1956. I currently reside in the Richmond, Virginia area, specifically Midlothian, which is a suburb just west of the city. I am currently a senior program officer for the Virginia Environmental Endowment, which is a philanthropy.

Eve Austin: As you know, we're meeting today to talk about your work in a world of environmental advocacy and specifically any work that may have been funded or somehow related with Town Creek projects. I guess I could just have you start by why don't you share with me a bit about you and how you got into this world.

Roy Hoagland: Sure. My career was primarily with the Chesapeake Bay Foundation. And after that I did several years of consulting, which is when I had actual direct funding from the Town Creek Foundation. My work with the Bay Foundation started in 1989. I was hired as the Virginia staff attorney. I went to school at the University of Maryland, got my law degree from University of Maryland and was at the time that I started at the Bay Foundation living in Annapolis. But I was hired for the Richmond office of the Bay Foundation and so I moved down here. I spent about 14 years in the position of the Virginia staff attorney and the Virginia deputy director. The director then left and joined the administration of governor Mark Warner, now Senator Warner. As a agency head, I became the Virginia director of the Chesapeake Bay Foundation. I did that for several years. Was then asked by the president, Will Baker, if I would consider being the Vice President of Environmental Protection and Restoration.

That position was a position that oversaw three offices, one in Pennsylvania, Maryland and Virginia and one in Washington, DC as well as a satellite office in Hampton, Hampton Roads area in Norfolk, Virginia. And it was responsible for all of the overseeing all of the advocacy work of the foundation, all the restoration work, all the science work, some of the legal work, all but litigation. Litigation was a separate arm of the foundation. I did that for about seven years and then at that point decided that that was the cherry on top of the sundae for my career with the Bay Foundation and I left the foundation and came back home to Richmond. While I was vice president, I would leave Richmond on a Monday morning and come back home on a Thursday or a Friday.

And looking back saying I did that for seven years, I don't know whether how crazy I really was. And then I consulted for about five years, four or five years, and I worked primarily on Maryland agricultural issues. And then I became the director of the William and Mary Law School's Environmental Clinic. I did that for two years. I concluded that academia was not the place I wanted to live and had an option of joining the Virginia Environmental Endowment as a senior program officer, which is led by the executive director is the gentleman who hired me to join the Chesapeake Bay Foundation back in 1989. I've come full circle in terms of

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working with Joe Maroon, who was the Virginia executive director here. That's a snapshot of my professional life.

Eve Austin: That's a very rich career you've had.

Roy Hoagland: I am one of the luckiest people alive. There are many lawyers who would kill for the world that I lived in. And not only the world I lived in and the work I did, but the time at which I did it. The work that I was able to do at the Bay Foundation and afterwards, much of that work could not be accomplished now because of the way the world has changed, the way that the environmental issues have gotten more complicated, the ways in which partisanship has simply divided people's ability to compromise. We had major work in Virginia called a Water Quality Improvement Act where they dedicate 10% of any surplus to environmental issues.

We never could get that passed now. We had the total maximum daily load for the Bay watershed, the restoration plan adopted, at the end of the what was the end of the Obama administration or in the middle of it, we could not get that adopted now in the manner it is. It was very rich. I was very lucky, very privileged in the sense that I had a career that was full of challenge and excitement. Frustration of course. But overall it really was something very special.

Eve Austin: I was doing a little reading before we started this conversation. I was reading a little bit about the total-

Roy Hoagland: Maximum daily load.

Eve Austin: Thank you. The total maximum daily load and reading about it and wondering, so just because you mentioned it now, you don't think ... it couldn't be passed now. I'm wondering how is it doing now? How is it surviving?

Roy Hoagland: It's called, in short, the TMDL. Some people have given it the moniker, the Bay cleanup blueprint or cleanup blueprint, something like that. TMDL really doesn't stand for total maximum daily load. It stands for too many damn lawyers.

Eve Austin: And you're one of them.

Roy Hoagland: And I'm one of them. Before that TMDL had been adopted, this is a great story for your audience. The TMDLs are required under the Clean Water Act, but they had been up prior to this point, basically a paper exercise. Prior to the Chesapeake Bay TMDL, EPA had done a series of these and the States had done a series of these. They're mandated by the Clean Water Act, but they had been paper exercises that sat on a shelf. Several of us, once we knew that they were going to be developing this TMDL for the Bay, got together and said, "Well, look.

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If we're going to spend time on this how can we make it mean something not like every other TMDL that had been written beforehand?"

And so there was a very deliberate effort at the Bay Foundation to craft a TMDL in a manner it had never been done before and we did it. We got provisions in this TMDL that had never ever been thought of in terms of what the past smaller team deals had looked like. That opportunity arose not only because of the people that were at the foundation at the time, but to be honest because the EPA staff were a staff that were ones you could partner with and fight with, but partner with overall. You had an administration that wanted to accomplish something significant in terms of Bay restoration. Money, while it was a factor, it didn't stop progress from moving forward. And most importantly, we had people at the state and federal level who were willing to think outside the box. And when the Bay foundation, when I came forward working primarily with a staff scientist named Beth McGee, PhD scientist in the department that I worked in at CBF, when we came forward with some various suggestions and alternatives for strengthening it, increasing accountability, they were receptive to it.

I would add one other thing. This is probably part of the story that you want to have archived. We took the TMDL and made a very conscious strategic decision that we were not going to try and put all of our eggs in one basket, and so this is one of the lessons learned, I think that's really important, especially in the environmental field. You've got to have a diverse strategy and we used three tools at once.

We looked at the administrative regulatory process, we looked at litigation and we looked at legislation. Legislation was at the federal level to try and craft what the TMDL would look like. Litigation, we sued the EPA so that we could negotiate some items in the TMDL through a settlement agreement. And administratively we actually got them to adopt rules that defined what the TMDL would look like. The legislation is the only thing that failed, but that's okay. We had an overlap so that if one failed, hopefully the other would work. Going back to where I started, I don't think you could accomplish all that today because you don't have the right people nor the right culture for that kind of success, unfortunately.

Eve Austin: The people who were at the table ... I mean it sounds like you're implying it's not like they were all left-leaning liberals. That you were able to work with people, a bipartisan group of folks and interests and still come to some agreements?

Roy Hoagland: Not only come to agreements. We came to the adoption of something that, as I said, was remarkably progressive. Yes, we had opponents who didn't want it to come at all. I'll tell you the one group we never did win over, that was the agricultural community. They ended up filing suit over the TMDL once it was adopted, but this is another interesting example of the kind of stories you're

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trying to capture. The process that we were engaged in and even before the adoption of the TMDL had been so thorough, so complete, records so completely built up that when they brought their litigation, the court basically slammed them back down.

We got these opinions that were just tremendously supportive of the document as it was adopted by EPA because all the ducks had been in a row. A lot of hard work, but it was also a lot of consensus building, a lot of creative, as I said, creative lawyering in a good sense as lawyering should be, reliance on the best science we could find. And yeah, it was quite an outcome. And it's being implemented now, which up until just a week ago, the implementation of it had kept going even into this administration. Only this past week have we seen a potential rollback of some significance. But the States are already ... it's already integrated into the process. You're already seeing more money, you're seeing changes at a regulatory level, you're seeing behavior changes so the document did what it's intended and that was to drive change at the implementation level.

Eve Austin: Could you give me the context of what happened a week ago?

Roy Hoagland: Well, a week ago, the Chesapeake Bay commission, which is a tri-state legislative collaborative body, had its January meeting. And at that time, the Chesapeake Bay program office, which is the federal gov/state government coordinating agency for the TMDL and restorations, part of EPA. The director of that office said that the TMDL goals were aspirational, not enforceable. And that's a dramatic change from both the prior administration and the current state of the law. One of the major accomplishments we got in this TMDL was a thing called reasonable assurance, which required the States to provide "reasonable assurance" that they were going to reach the goals of the TMDL, the pollution reductions, which it mandates. And if not, EPA was going to have some backup measures to ensure that happens.

The States have taken it very seriously. Pennsylvania's still playing catch up, but for example, this year in Virginia, there are some significant legislative proposals to ensure that they meet their goals under the TMDL. That's why I say, the mechanisms and the implementation have all been integrated into these state plans. Now to suddenly have EPA under this administration say, "Oh, we don't really think it's an enforceable document or we're not going to be enforcing it, whichever way you construe it does, does threaten to take some wind out of the sails, set the momentum back."

Eve Austin: You did such a great job of explaining to me just the way ... because of the timing and what was going on at the time that you were involved, that you guys worked so hard to create a process that had this three-factor way of getting something done and you were able to work across the aisle and all of that and you don't

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think any of that will happen now. I'm wondering what are your thoughts about how people then might be able to do that three-pronged approach to things?

Roy Hoagland: I guess in my 27 years of Bay advocacy, I've come to the conclusion that everything has its time. And when I look at the TMDL and some of the other things, I mean, for example, I had a project that I worked with Town Creek specifically, which was called the Campaign to Reduce the Application Manure, called it CRAM. I did suggest we call it the campaign to reduce the application of poop. We could call it CPAR, but CRAM is what it was.

They both show some, I think some key important things, learning moments, "aha" moment that if you're archiving are really relevant. And the first is regardless of the work, I mean, in order to be successful, I believe this with my whole heart and I think my career has shown it, and I used to tell my students this when I was teaching at William and Mary, it's all about relationships. All about relationship with your colleagues. It's about your relationship with funders. It's about your relationship with political leaders. It's about your relationship with your adversaries. Because of all of these initial environmental issues, it always comes back to who you can work with and how even your opponents. Even your opponents. And in the TMDL scenario and the CRAM scenario, in both cases, we had had built lots of strong relationships.

I mean this is for Town Creek. Well, Town Creek, I believe in part funded my work for CRAM because I had a relationship with them whereby they knew that I was a good investment. I had a relationship with them where I could go in and say, "Well, this is the idea and these are the options and we could go this way, this way, this way. What do you think?" It's a partnership? Those relationships are just critical to environmental success because no matter how popular, no matter how popular the environment becomes on someone's political agenda or their list of issues, it will never rise all the way that the top. I mean eating and economics are always going to rise higher. You need to have relationships to elevate yourself and elevate the issue. That's one thing.

I mentioned the players for the TMDL. We were very lucky that during the course of the years of developing it that we had some real champions. I don't see those champions anymore. And by champions, I mean people who are not only willing to, especially in the political arena, not only willing to place this at the top of their list, whatever it is, whatever issue you're working on, in this case the TMDL is an example, but who are willing to place the top of list and spend capital, political capital to move it forward. And we had a number of champions. We actually had a great champion at the federal level in the legislature who worked on the farm bill for us at the same time. That was a separate issue doing a lot of this work. And he was willing to make the political ... pay the chips that he

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needed to move forward for a lot of funding in the farm bill for the Chesapeake Bay.

We had secretaries of natural resources in Maryland and Virginia who were willing to twist their governor's arm if necessary, who were willing to make deals and have a healthy relationship with their counterparts in other States. And they were frankly willing to deal with us as advocates when we said, "Look, we have an idea that you can pursue in this way." I would say relationships, champions. What else? I mentioned the three, what I called the three-prong attack. We use legislation, regulation and litigation, all three on the TMDL. But I'd say the other thing has to be always incorporated in both your awareness of your relationships and your awareness of who your champions are and what they think about themselves and their public image, and the various tools you're using is there's got to be successful marketing communication.

You're asking me to tell a story right now for these archives. You have to be able to tell a story well in different forms to different audiences no matter what it is that you're advocating for. We were able to tell a story that was hopeful as well as, not frightening, but an awareness that the Bay needed help and these were ways it could be done. And we're actually seeing, which is really rewarding, that the Bay itself is showing signs that the TMDL is a good tool for its recovery. I mean we've had some ... last year we're having some big, big problems with algal blooms, but the Bay's able to cope with it. The Bay's more resilient. We're seeing oysters come back so there are a lot of things that show that this initiative was in fact an appropriate measure forward on the restoration front.

Eve Austin: We just need to figure out how to encourage young people to want to do this in the face of not a lot of support and a lot of pushback?

Roy Hoagland: Yeah. And it goes in cycles. I can remember when I would interview for law clerks that worked with me during the course of those years. There were years when I had at each law school 30 applicants. And then there were years when there was a period there where it dropped down to 10. I do think this generation gives you a reason for hope. I think that they are aware of the growing awareness of the significance of climate change, which threatens Bay restoration and community survival and so many things. I don't think the public yet understands how dramatic the impacts of climate change are going to be. But I do think this generation has an awareness of it. And that that is a really good thing. And I'm not talking just about Greta. Talking about a larger cross-section of people in terms of what you see them doing and living in cities and not wanting to buy a car and asking their elected officials to be more accountable on things like carbon caps, good things.

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I think the other thing I would add for this audience is, and I don't say this cynically, but there always needs to be an awareness of the role that dollars play. It's really hard to win a legislative battle, a regulatory battle, even a volunteer engagement when you're really outgunned with dollars. And Town Creek for example, and there are other foundations like them, help balance that. Environmental organizations and environmental issues and advocates often don't have a lot of dollars so having dollars available to you from somebody like Town Creek makes a big difference. And those dollars, I'm talking about spending dollars on everything from frankly, I mean you wouldn't do this with Town Creek money, but to a political campaign so that someone who gets into office is someone who's receptive to environmental issues to dollars for an ad on the radio regarding ensuring that poultry waste is not piled up high on the next door to a stream and making the legislators aware of that. We did at one point in Virginia.

Virginia has a legislative session that is very limited so the legislators come into town for 60 days one year and 45 days the next year. They have a biennial budget and they adopt the budget for two years during the 60 day session, then supposedly come back 45 day session next year to tweak it. It's very, very limited time. Getting legislation passed is tough. You got to be on your toes, you got to push hard and you got to be aware of anything that can happen when you turn your back.

We had one issue about poultry waste, which is a huge issue on the Eastern shore. Huge issue that Town Creek has invested in. That's what the CRAM campaign was really about, campaign to reduce the application of manure. But we had a similar poultry issue here in Virginia at one point and we took out a billboard on I-95 so that the legislators driving into the general assembly every day couldn't miss this billboard that talked about poultry waste. But that costs money. You've got to find the dollars in order to pay for that billboard for 30 days, 60 days, whatever. Money, I think, is something that you can't ignore. It's as much a part of the program of success even when you have little knowing, if you have a little, how you're going to spend it or how are you going to leverage it to get more money.

Eve Austin: Well, so now that Town Creek won't have the dollars available, what do you see ... how do you see that happening? How do you see people get those dollars?

Roy Hoagland: Well, I think it's tough to be perfectly honest. There are more dollar ... there's more individual dollars now. There's supposedly more self-made millionaires. There's more private money available than ever before. But the role of an organization like Town Creek Foundation, like the Keith Campbell Foundation, smaller ones that are in Maryland as well as in Virginia, Pennsylvania, they cannot be undervalued about how significant they are. And the best ones like

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Town Creek are the ones that partner with the community that they're trying to help. As opposed to either mandating what they want done or just giving the money and walking away. I do think Town Creek has left a bit of a hole in Maryland. There's no question. I know they've done a longterm planning and they've invested dollars in some specific projects, but their dollars as well as the Keith Campbell Foundation dollars have been instrumental in helping move some issues forward in Maryland on the Chesapeake Bay and the environmental front. And you can't ... no one should ever undervalue that.

Eve Austin: You want a retirement project you could work on? Drum up some more?

Roy Hoagland: Like I said, everything has its time and right now is the time to say thank you to them. Ted and Jennifer Stanley have left a great legacy for helping make the world a better place. That sounds trite. I know it sounds trite, but that's what they have done.

Eve Austin: Well, I really liked the way you said that. Right now is the time to say thank you. That's really nice. Again, I'm [eboston 00:24:57] and I'm interviewing Roy Hoagland. And I'm in Baltimore, Maryland. And it is January 6, 2020. Thank you so much, Roy.

Roy Hoagland: Thank you. Thanks for asking me.

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