

March 11, 2014



Mr. Nicholas DiPasquale
Director
Chesapeake Bay Program
410 Severn Avenue
Annapolis, Maryland 21403

Dear Mr. DiPasquale:

Wetlands Watch is a nonprofit environmental organization based in Norfolk, Virginia, working statewide on the conservation and protection of wetlands. We offer the following observations on the draft Chesapeake Bay Watershed Agreement.

We find it difficult to get enthused about this document, unlike the Chesapeake Bay 2000 (C2K) agreement or even the 1987 agreement.

We concur with criticisms about the C2K agreement's detail and ambitious goals, but the work we are undertaking requires some reach and vision. No one has attempted this before: the Chesapeake Bay restoration effort is the most extensive and expensive ecosystem restoration project in the history of the United States. The new draft agreement should push all of us, not settle for the minimum standards upon which we can agree.

From our perspective, this draft watershed agreement pays scant attention to the most significant threats to wetlands in the Chesapeake Bay Watershed: inappropriate land use/development and climate change. In addition, the document fails to address some critical issues related to wetlands restoration and habitat values.

Land Use

Up to the present, shoreline development has taken its toll on tidal wetlands. As well, development and land conversion adjacent to non-tidal wetlands have been the greatest threat to those ecosystems. In the 1987 agreement the signatory states agreed that, "there is a clear correlation between population growth and associated development and environmental degradation in the Chesapeake Bay system." In the C2K agreement, it is stated that, "An

additional three million people are expected to settle in the watershed by 2020. This growth could potentially eclipse the nutrient reduction and habitat protection gains of the past.”

This proposed draft agreement is largely silent on the impacts of development on habitat and other restoration goals. It is silent on the need for sound land use practices. These omissions reverse decades of clear policy statements on this issue in previous Chesapeake Bay Program agreements and studies.

Climate Change

In the future, the greatest threat to wetlands and habitat will be climate change. Sea level rise will impact tidal habitats as temperature and rain/drought cycles will impact non-tidal wetlands systems. Beyond wetlands many of the draft agreement’s other habitat goals will be compromised by climate change.

In headwater areas, brook trout ranges will be significantly impacted by temperature increases. Already in the Bay, spring spawn has shifted three weeks over the last 30 years due to temperature changes. Vegetation shifts have been acknowledged by the US Department of Agriculture’s changes in its plant growing zone maps. Species living in upland ecosystems are at risk of extirpation from temperature and hydrologic cycle changes.

The impacts of climate change on migratory waterfowl is especially significant, calling into question the viability of goals contained in this draft agreement, specifically achieving a wintering population of 100,000 black ducks by 2025. Ducks Unlimited has noted the negative impacts of climate change on black ducks in the Atlantic Flyway. In failing to consider climate change in this draft agreement, the Bay Program compromises its ability to meet these goals.

The C2K agreement contained the first significant federal statement on the need to address climate change in relation to restoration efforts with its mandate to, “[e]valuate the potential impact of climate change on the Chesapeake Bay watershed, particularly with respect to its wetlands, and consider potential management options.” While no signatory has yet acted on that provision, it stands as a sentinel of sanity for consideration of the changed reality we face in natural resources management generally and with the Bay’s restoration specifically.

Since the C2K agreement was signed, the Chesapeake Bay Program issued a study in 2008 (“Climate Change and the Chesapeake Bay,” authored by the Chesapeake Bay Program’s Science and Technical Advisory Committee) detailing the impacts of climate change on the Chesapeake Bay. The report urged that the Bay Program, “[i]ntegrate climate change concerns into Chesapeake Bay Program activities and strengthen legislative authority.”

On May 12, 2009 President Obama issued an executive order on the Chesapeake Bay, which at section 202 asks for a report to, “assess the impacts of a changing climate on the Chesapeake Bay and develop a strategy for adapting natural resource programs and public infrastructure to the impacts of a changing climate on water quality and living resources of the Chesapeake Bay watershed.”

On November, 1 2013, president Obama issued an executive order, “Preparing the United States for the Impacts of Climate Change”, which calls on federal agencies to review and adjust their policies to deal with climate change. Specifically the Order asks federal agencies, “to complete an inventory and assessment of proposed and completed changes to their land- and water-related policies, programs, and regulations necessary to make the Nation's watersheds, natural resources, and ecosystems, and the communities and economies that depend on them, more resilient in the face of a changing climate.”

Despite all of this, the draft agreement is silent on climate change impacts and their relation to the Chesapeake Bay restoration.

This draft agreement relegates land use and climate change impacts to one sentence stating the need to, “Anticipate changing conditions, including long-term trends in sea level rise, temperature, precipitation, land use, and other variables.” This single sentence represents a rhetorical parking lot where this agreement abandons some of the most significant challenges facing the Bay’s restoration, admittedly some of the most politically controversial issues. It is the sole mention of these issues in a document that is designed to guide and inspire our restoration efforts in the coming decades.

Wetlands Restoration/Habitat Values

The wetlands language in the proposed draft is inadequate.

In the C2K agreement, signatories committed to a “no net loss” goal for wetlands acreage and function in their regulatory program, a simple step toward maintaining the status quo (though it must be pointed out that Virginia has yet to meet that goal in its tidal wetlands regulatory program). To not even restate what has been a national policy since then-president George H.W. Bush established it in 1989 is a significant oversight.

On the specific wetlands goals laid out in this proposed agreement, it is unclear how many of the restoration acres are tidal wetlands and how many are non-tidal. In order to have a meaningful accounting and assessment of loss and gains in vital habitats, non-tidal wetlands and tidal wetlands should be listed and reported separately. This allocation of wetland restoration has impacts on the wildlife and living systems goals laid out elsewhere in the draft agreement.

In addition, it is unclear whether these restoration goals include the 10,259 acres carried forward from the unmet goals under the C2K agreement. In the same vein, it is unclear whether the wetlands restoration goals are net of the loss of wetlands due to sea level rise, which in some regions of the Bay, such as the Blackwater National Wildlife Refuge, are being observed and measured today.

Finally, at a more detailed level than this draft agreement language is a nagging problem of wetlands restoration reporting. A review of wetlands restoration/creation reporting over the last ten years shows significant variation in reporting numbers. In addition, interviews with state agency staff in two Bay states exposed significant issues around reporting and the reliability of the restoration/creation numbers being reported and conflicts in the way these wetland

restoration/creation efforts are categorized. Without consistent reporting, the wetlands goals in this draft agreement cannot be achieved with any level of confidence.

In conclusion, Wetlands Watch is taking the position that this draft agreement is inadequate to the task facing us today and even more inadequate to the challenges that will face us in the coming years. We would hope that a more robust conversation of land use and climate change impacts would be inserted into this draft agreement and that needed amplifications to the wetlands restoration language be included.

Thank you for taking the time to review these comments.

Sincerely,

A handwritten signature in cursive script, reading "William A. Stiles, Jr.", written in dark ink.

William A. Stiles, Jr.
Executive Director