

March 17, 2014

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

Dear Mr. DiPasquale:

Eastern Shore Land Conservancy (ESLC) thanks the Chesapeake Bay Program for shaping the new Bay Agreement. The Chesapeake Bay Watershed, habitat to numerous species of plants and animals and home to nearly 18 million people, is projected to see another 3 million new residents by 2030 and we feel this agreement is crucial to restore and protect the Chesapeake Bay ecosystem and its watershed.

As mentioned in previous Bay Agreements, the increasing human population within the watershed directly correlates with the decline of the Bay's health. We understand that the Bay Agreement contains goals and that it will serve as a guide to help make sure that all six states and the District of Columbia can move together, in different ways, but all towards a cleaner watershed. Each jurisdiction will develop their own rules, laws, and systems, but it is important that each jurisdiction continue to learn from each other, share the most effective science-based practices, and follow after the same *broader* goals in order to save the Bay.

The following is ESLC's thoughts on the current Bay Agreement draft, our suggested changes, and potential additions.

What We Like About the Current Draft:

First and foremost, the Bay watershed will not become cleaner unless it is appreciated, understood, and experienced by current and future generations. We were happy to see the continued emphasis on environmental literacy and the support of "meaningful watershed educational experiences." In that vein, we feel that the self-education that takes place as individuals interact with nature on their own- through public access- is a very important part of understanding and respecting the estuary.

The acknowledgement that signatories "may decide to adjust their level of participation in the implementation of strategies as circumstances warrant" has garnered some attention, but many of us on the Eastern Shore understand that, to the maximum extent possible, solutions should be locally adopted and that keen local participation is the key to success.

As for the Land Conservation section, two million acres of land protected by 2025 is a respectable and reachable goal upon which success depends on the efforts of the signatories. We applaud the inclusion of such an important tool to protect the watershed for generations.

Lastly, among the thirteen principles mentioned, we were especially pleased to see that the partnership will:

- anticipate changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other variables;
- operate with transparency in program decisions, policies, actions, and progress to strengthen public confidence;
- acknowledge, support and embrace local governments and other local entities in watershed restoration and protection activities; and
- will work collaboratively to achieve the purposes of this Agreement.

Potential Changes:

In the Land Conservation section, we were pleased to see the continued emphasis on conserving land and recognizing that the land within the Bay watershed has recreational, ecological, cultural, and historic value. That said, there were a few areas that we feel could be changed or clarified.

Two million acres of conserved lands seems quite laudable, but we should make sure that the conservation is targeted. Goals for 225,000 acres of wetlands and 695,000 acres of forest land are respectable, but location is important. We request clarification on to what degree farmland is included in the two million goal and whether working forest land is included as well.

As for funding the preservation, it would be helpful to be specific and to call for all individual jurisdictions to develop or strengthen their dedicated funding streams for land preservation.

Bay watershed states should target funds for fee simple or easement purchase of sensitive lands, especially those bordering the Bay and its tributaries. Under the Land Use Options Evaluation Outcome, should we “manage” the rate of conversion for lands? ESLC believes that the language in this outcome should be written stronger to provide adequate protection for the remaining undeveloped land. Instead of being written to say “assist local governments in their efforts to better manage and, when possible, reduce the rate of consumption...” it should say “in their efforts to better *strategically manage and reduce* the rate of consumption.”

Maryland was the first state in the nation to institute environmental literacy standards as part of the school curriculum. Though we do not call for specific environmental literacy standards, ESLC believes that it would be advantageous for all of the watershed states to enact strong environmental literacy standards in order to improve their students understanding about their local environment and the environmental challenges of the entire watershed.

Historic land development had consumed vital habitats and ecosystems that once provided ecological services that contributed to the health of the bay. In order to improve the health of the watershed, sound and proactive land use planning should be implemented on the local level to protect the remaining open space and habitats from development. Obviously, land protection has to happen at the local level, but any clarification as to the tools or resources available may be beneficial to Bay Agreement signatories.

Potential Additions:

ESLC urges the Bay Agreement include a focus on climate change. The Chesapeake Bay watershed is expected to experience more extreme weather events, changes in seasonal temperature variability, and rising sea levels. These effects will lead to greater challenges in agriculture, fisheries, and tourism. Sea level rise will affect large tracts of land throughout the Delmarva Peninsula, the Tidewater region of Virginia and beyond. Adding two million acres of conserved land by 2025 is a great goal, but we would request language to include offsetting the land lost to climate change- in addition to the goal amount.

The draft agreement fails to mention an important policy that could stabilize the Chesapeake Bay Watershed's land use. Maryland and other states have implemented a "no net loss forest" policy and this provision might be helpful in controlling the land use demand across the watershed. The Agreement could do more to emphasize the benefit of greening measures like urban tree canopies and stormwater management. Another important piece that may be helpful would be further illustration of how the TMDL is to be maintained with the increased population that will inevitably occur. Some type of specified growth (nutrient & sediment) offset component may be necessary to adequately address the population growth that will naturally happen.

Lastly, the Bay agreement should address the need for commitment to conservation funding mechanisms, coordination of best management practices (BMPs), & the potential distribution of funds for BMPs. Cleaning the Bay is costly, but piece by piece, local and state governments need to set aside the monies to pay for the efforts that will clean and preserve the watershed. In order to keep the costs down, effective coordination and communication of science based BMPs will have to be an essential part of local solutions.

ESLC applauds the effort to develop this important voluntary framework for Bay protection and we stand ready to help. Please contact me at 410-827-9756 or retgen@eslc.org if we can be of further assistance.

Sincerely,

Rob Etgen
Executive Director