

Parade Rest,  
215 Doctor Jack Road,  
Port Deposit, MD 21904  
March 17, 2014

Via e-mail to [agreement@chesapeakebay.net](mailto:agreement@chesapeakebay.net)

Mr. Nicholas DiPasquale  
Chair, Chesapeake Bay Program Management Board  
410 Severn Avenue, Suite 109  
Annapolis, MD 21403

Dear Mr. DiPasquale and Management Board Members:

Thank you for the opportunity to comment on the Draft Bay Agreement, and also for participating in Maryland's Open House on March 4. It was a great opportunity to talk to some of the agency staff in greater detail about the meaning and intent behind the words. And while the document itself is mercifully brief, there are a lot of words and intents to like. Without being in the least bit cynical, the Land Conservation Goal statement is a beautiful piece of prose that really captures what many of us have as a vision for the Bay Watershed. My compliments to whoever put that one together!

However there are some missing or under-represented elements that I hope will be included or strengthened in the final document.

1. One phrase in the preamble particularly resonated with me: *"measurable results coupled with firm accountability yield the most significant results."* Unfortunately the Goals and Outcomes do not honor that declared fact. Page 5, para 3 enables a lack of accountability of the individual signatories, each of which can exercise its discretion whether to develop and implement the management strategies required to achieve the goals and outcomes. Please find some way to rectify this "opt out" clause.
2. On the Sustainable Fisheries page, I was surprised not to see any mention of Shad, Rockfish and Herring. These are/were important resources up at the Head of the Bay. If the document is supposed to "reach" the average citizen, then these fish deserve a mention in this section as well as on the Vital Habitats page.
3. On the Vital Habitats page, it is hard to understand the Wetlands outcome. What does creating / reestablishing the 85,000 acres & enhance 150,000 acres mean in the big picture? Is there any way to include something similar to the Forest Buffer outcome in which the end goal is to ensure that 70% of riparian areas are forested. That is a goal the impact of which one can immediately visualize.

Also on that page, please footnote the meaning of the comment in the Stream Health outcome *"\*Note: baseline will be re-assessed."* My instinctive reaction was a negative one.

4. On the Water Quality Goal: Tilting at windmills, I know, but what a pity that we have to settle for reducing pollutants instead of eliminating them completely as envisioned in the Clean Water Act,

which "*set a national goal to eliminate all pollution to navigable waters by 1985<sup>nd</sup>*".

5. On the Healthy Watersheds Goal, a shout out to MD DNR, MDE & MDP for their paper describing Maryland's Approach for Healthy Watersheds Designation dated December 19, 2013. Very helpful, and an added bonus to attending the Open House!
6. On the Land Conservation page, a similar comment to the Wetlands metrics. In the Protected Lands Outcome, what exactly does protecting an additional 2 million acres mean? That is about 5% of the entire watershed; what is the ultimate goal, and will it be sufficient to restore the health of the Bay and its inland watersheds?

The Land Use Methods and Metrics outcome is a real disappointment. We seem to be putting in place a system to measure the continued loss of agricultural and forest lands, rather than establishing a goal to stop or reverse the loss. This may not be the case, but it is certainly how the statement comes across. If we are happy to lose more of our natural and cultivated lands, has the tipping point been established, and if so, what is it? If not, how long will we continue to measure the extent and rate of loss before taking action?

#### What's Missing?

7. The Goals and Outcomes related to Toxic Pollutants, which were included in the 2000 Agreement and also in the September 2013 draft, have been removed. Aside from the reports of intersex fish in the Potomac and Susquehanna, the growing concern about emerging contaminants makes it unconscionable not to address toxics in the new Agreement.
8. The document is all but silent on the subject of Climate Change. Given the impact of sea level rise and increased temperature on our shorelines, our wetlands and other vital habitats, coupled with the forecast increased incidence of more extreme weather events resulting in more extreme and prolonged floods and droughts, it also seems unconscionable not to address Climate Change in the new Agreement.

Thank you for the opportunity to comment. I look forward to the final document with interest and hope I will be able to accept it with enthusiasm.

Sincerely,

Rupert Rossetti

410-378-3473

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<sup>1</sup> Nature's Trust. Environmental Law for a New Ecological Age, Mary Christina Wood. P. 51