

March 17, 2014

Nicholas DiPasquale
Director, Chesapeake Bay Program
Chair, CPB Management Board
410 Severn Avenue, Suite 112
Annapolis, Maryland 21403

Dear Mr. DiPasquale:

Thank you for the opportunity to comment on the January 29, 2014 draft of the new Chesapeake Bay Watershed Agreement, and for the hard work that you and others have undertaken to develop this draft. The Nature Conservancy is an international, non-governmental organization whose mission is to conserve the lands and waters on which all life depends. We currently work in more than 30 countries worldwide, and have worked for more than five decades to achieve our mission in the Chesapeake Bay and its watershed.

We believe that this new Bay Agreement, like its predecessors, can provide vision, inspiration and focus for the signatories and local governments, NGOs, businesses, and citizens – all of whom have a stake in the health of the Chesapeake Bay and its watershed. We also recognize that the value of adopting a new Agreement can ensure that all Chesapeake Bay Program (CBP) partners are clear on the goals and outcomes toward which we are collectively striving. Strong goals and outcomes are particularly important for continued progress on improving the Bay's living resources and other issues not directly addressed by the Chesapeake Bay TMDL. While the Chesapeake Bay Executive Order provides guidance for the federal agencies that are partners in the CBP, an Agreement is needed to support the commitment of the states and the need to involve local governments and other organizations in the shared responsibility to protect and restore Chesapeake Bay and its watershed.

We appreciate that the draft Agreement incorporates a number of elements essential for the future health Bay and its watershed, including:

- a focus on the importance of local government engagement
- an increased emphasis in the agreement's language recognizing that protection is as essential as restoration in achieving goals
- an inclusion of adaptive management as a guiding principle

- a reference to the need to incorporate “changing environmental conditions” across all aspects of the program
- an inclusion of new outcomes, including targeted tributary-scale oyster restoration, forage fish conservation, land use change, and healthy watershed protection

Building upon these improvements, we offer the following four recommendations in the interest of establishing the strongest Agreement possible:

Accountability. The provision allowing signatories to “exercise discretion to participate in the development and implementation of individual outcomes’ management strategies depending upon relevance, resources, priorities and other factors” and “adjust their level of participation in the implementation of strategies as circumstances warrant” weakens the document considerably in comparison to past Agreements. One of the key features that has made the Chesapeake Bay Program a model for the nation is the existence of Agreements that constituted mutual *commitments* among the signatories. This Agreement should continue CBP’s leadership for the nation’s largest estuary and its watershed.

Climate change. As mentioned above, the draft Agreement references “changing environmental conditions” and the principles state that the partners will “anticipate changing conditions, including longer-term trends in sea level, temperature, precipitation, land use and other variables.” We believe that the challenges posed by climate change are of such a magnitude that they warrant greater emphasis in the Agreement. For example, the Vital Habitats section of the Agreement should include an outcome ensuring that the effects of climate change on the Bay’s living resources are documented and that strategies for adapting to climate change are developed.

Land conservation. We note that the draft Agreement’s acreage outcome of two million acres by 2025 is considered to be a business-as-usual goal. The Chesapeake 2000 land conservation goal was more aspirational, and inspired a strong focus on land conservation among the states. Given projections for population growth in the coming decades, we suggest a higher outcome is needed to ensure the protection of our critical landscapes. Additionally, we recommend an evaluation of threat of conversion to select priority lands to be protected.

Finance Advisory Committee. While perhaps not to be addressed directly in the draft Agreement, we believe that the creation of a Finance Advisory Committee is something the Program should focus on immediately. Local governments throughout the watershed have expressed concerns about the costs of restoring and

protecting Chesapeake Bay. The CBP could make a significant contribution toward addressing this concern by providing a forum where broadly applicable financing strategies could be developed and tested.

Thank you again for the opportunity to comment on the draft Agreement. We look forward to continuing to work with you and the rest of CBP to protect and restore this national treasure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark T. Bryer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Bryer
Director, Chesapeake Bay Program