

Issues Resolution Committee Topic:

How to Address Comments/Concerns Regarding Land Use in Agreement?

The impacts of land use on water quality, fauna and flora, habitat, cultural heritage and public recreation have long been recognized. How should a potential new Chesapeake Bay watershed agreement address this subject?

For historical context, the Chesapeake 2000 Agreement addressed land use through a separate entire section, including introductory language recognizing the issue, a goal, and an extensive series of action items. See attached excerpted section for details.

The PSC, MB and many participating partners have discussed land use and various options for addressing it in a new agreement. On the following two pages are what appear to be the five options for addressing land use raised to date.

The IRC may wish to consider the following questions:

1. For each of these options, what are the potential benefits and disadvantages?
2. Which option provides the most feasible way for addressing important land use related issues, including through developing and implementing management strategies?
3. What next steps are necessary to move the preferred option to the drafting team and/or Management Board?

Option 1: No Language in Agreement Regarding Land Use

Avoid direct mention of land use issues in the agreement entirely. Note that some currently drafted goals and outcomes do inherently address land use in some way.

Option 2: Incorporate Language Regarding Land Use in Agreement Text Sections

Address in Preamble: Various options; details could be worked out by drafting team with direction; examples suggested in comments include:

Recognize the issue:

But there is more to be done:

- The viability of fish, shellfish and wildlife species that are important to people - oysters, blue crabs, brook trout and black ducks for example - remain at significant risk.
- Important farm and forest lands and historic and scenic landscapes are subject to development pressure.

Add new general language:

- Regional differences in governance, economy, culture, and the environment converge at the local level, but the Chesapeake Bay watershed ecosystem is driven by forces beyond local control. At the same time, changes occurring on a local scale contribute to the environmental quality of life in the region as a whole. The partnership will seek out feasible and appropriate actions to reduce vulnerability to changes at the local level while employing new technological and policy solutions that will make a difference at the watershed scale.

Address in Management Strategies: Require strategies deal with the issue:

- Strategies will outline means for accomplishing the outcome and monitoring, assessing and reporting progress. In doing so, strategies will address: approaches for engaging citizen stewards and local governments in implementation, as well as factors affecting the ability to meet goals and outcomes including adaptation to changing environmental conditions, impact of land use changes, and regulatory and other obstacles.

Option 3: Incorporate New Outcomes Addressing Land Use Under Existing Goals

Specific options suggested are below. Other outcome options could be developed.

Sustainable Fisheries Goal: Restore, enhance, and protect the finfish, shellfish and other living resources, their habitats and ecological relationships to sustain all fisheries and provide for a balanced ecosystem in the watershed and bay.

SUGGESTED OUTCOME LANGUAGE (from MD):

- In areas identified by the partnership with species particularly susceptible to the impacts of practices associated with growth, reduce and maintain levels of impervious surface scientifically identified not to negatively impair local water bodies.

Water Quality Goal: Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the bay and its tributaries **and** protect human health.

SUGGESTED OUTCOME LANGUAGE (from MD):

- Through 2025 decrease the annual average growth of impervious surface by __%.
- Through existing regulatory reporting, track and report the relationship between municipal waste water treatment plant flows and associated population increases.

Land Conservation Goal: Conserve landscapes treasured by citizens to maintain water quality and habitat; sustain working forests, farms and maritime communities; and conserve lands of cultural, indigenous and community value

SUGGESTED OUTCOME LANGUAGE (from MD):

- Annual average loss of agriculture or forest and other natural lands will be limited to no more than 0.2% through 2017 and no more than 0.1% after 2017.

Option 4: Include Separate Land Use Goal

No specific language has been provided for a land use goal. There was some discussion that any such goal would need outcomes associated with it.

MB (7/12 meeting) determined land use should not be included in the agreement as a goal, but should be considered for other parts of the agreement.

Option 5: Some Combination of Options 1-4 above

This option has been mentioned in some MB discussions and comments but not formally described or drafted. It could combine introductory language, a goal and outcomes – though there is clear resistance by several signatories to having a land use related goal.