

**** Note: goal language in red text designates changes made to goals and outcomes since the May MB meeting.**

Chesapeake Bay Watershed Agreement

Draft 1 for MB Consideration at Meeting on June 13, 2013

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Supplemental Materials

Supplemental Document – Governance Document

Supplemental Document – Management Strategies

Section 1: Preamble

The Chesapeake Bay is the nation's largest and most productive estuary, a powerful economic engine and is recognized as a national treasure.

The Chesapeake Bay Program partnership was formed 30 years ago with a simple document that recognized the "historical decline of living resources" in the Chesapeake Bay and committed the signatories to a cooperative approach to "fully address the extent, complexity, and sources of pollutants entering the Bay."

The first Chesapeake Bay agreement was signed in 1983. It laid the foundation for a cooperative program that now includes all the Chesapeake Bay watershed jurisdictions, EPA and the Chesapeake Bay Commission. The Partnership is enhanced and supported by multiple federal agencies, local governments, citizens, academic and scientific institutions, nonprofit organizations and others. The Clean Water Act also establishes a statutory basis for such a program in the common interest of the citizens of the United States. The Partnership has established a foundation of science and policy on which the actions and commitments of the program and its partners continues to build.

The partnership seeks to guide the evolution of the Bay ecosystem to benefit both the people and the living resources of the region. Our collective efforts are focused on both immediate results, while recognizing we are engaged in long-term effort that must be sustained for generations. We recognize that our long-term success will require a forward-looking approach that anticipates changing conditions, including long-term trends in sea level, temperature, precipitation, and other aspects of environmental variability. Retrospective or historic views of the Bay are useful, but they will not be sufficient to guide management. We are committed to a future that sustains highly valued ecosystem benefits and makes the region resilient to environmental and man-made pressures.

This agreement is the culmination of what we have accomplished and learned during the last thirty years and sets the stage for our future actions. We have accomplished a great deal, but there is more to be done:

- Nitrogen has been reduced by over 100 million lbs annually since 1985
- 2500 miles of streams and rivers have been opened to migratory fish species
- Populations of striped bass and blue crabs have been returned to sustainable levels
- 20% of the total land area in the watershed has been permanently protected
- 7500 miles of forest buffers along streams, rivers and the bay have been planted since 1996
- Thousands of students in the watershed have been exposed directly to the bay and its rivers as part of their primary and secondary education.

We know that we are most effective when our efforts are focused on realistic goals; we know that we need each other to be successful.

This agreement makes clear our continuing goal to protect and restore the living resources of the Chesapeake Bay and its tributaries through the restoration of water quality and through the wise stewardship of our aquatic and terrestrial resources.

This agreement also acknowledges the reality that the partnership cannot currently afford to deal with every issue. We recognize the need to direct our individual and collective efforts to deal with the most important issues using strategies that will achieve the greatest results.

Therefore, we the signatories of this agreement commit to Chesapeake Bay Partnership contained herein....

Section 2: Vision

We envision a healthy, balanced and sustainable Chesapeake watershed with:

- Water that achieves water quality standards, that supports ecological resources, and is swimmable and fishable in streams, rivers and the Bay;
- Abundant and healthy populations of living resources including blue crabs, oysters and fish;
- Fish and shellfish that are safe to eat;
- Abundant forests, thriving farms and maritime communities that benefit both the economy and the environment;
- A broad network of land and water habitats that are resilient to the impacts of climate and weather and the impacts of human activities;
- Extensive areas of conserved lands that reflect the region's heritage while providing scenic vistas;
- Ample access to the Bay and its tributaries in every watershed jurisdiction to provide opportunities for recreating on or near the water;
- Environmentally literate students and citizens who are stewards of nature and understand their personal impacts on the environment; and
- Local governments, businesses, schools and universities, watershed organizations, neighborhoods, and individuals committed to implementing actions that will achieve the goals and outcomes of this agreement and vibrant sustainable communities.

**** Alternative Language (provided by WV):** The Chesapeake Bay Program partners envision a healthy, balanced and sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands, and engaged stakeholders.

Section 3: Mission

Working through a deliberate, coordinated and cooperative approach, we strive to accelerate efforts to protect and restore the Chesapeake Bay ecosystem and its abundant living resources. We work both independently and collaboratively—with our partners and stakeholders—to implement targeted management strategies that will achieve our shared goals and outcomes and inspire others to take action.

Section 4: Goals and Outcomes

Realizing the vision of a healthy and vibrant Chesapeake Bay Watershed will require a greater degree of collaboration than has been seen before, the Partners recognize that the Goals outlined herein will not be achieved without the support and involvement of those working at the local level, including local governments, businesses, schools and universities, watershed organizations, individual citizens and others. Therefore, the Partners commit to support local implementation of actions consistent with the Goals outlined herein and more specifically with the outcomes developed by the Principals' Staff Committee. The goals and outcomes identified herein are not binding and neither restrict nor compel the partners to take any specific actions. Further, it not

release any of the partners from the requirements of the Clean Water Act or any other federal or state statutes or regulations.

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. **MB recommend draft goal to PSC with no changes.**

- **Blue Crab Outcome:** Maintain sustainable blue crab population based on the current 2012 target of 215 million adult females (1+ years old) and continue to refine population targets between 2013 through 2025 based on best available science.
- **Oyster Outcome:** Restore native oyster habitat and populations in 20 ? tributaries by 2025.
** (Note: This outcome relates to oysters for habitat as well as populations. GIT1 is considering modifying this outcome to reflect ecological restoration outcome [in accordance with oyster metrics] and consider a separate goal in support of oyster aquaculture [oysters as seafood].
- **Fisheries Outcome:** ~~Improve fisheries health and production by connecting land use decision making with ecosystem science and policy and creating a precautionary management approach to ensure the sustainability of Chesapeake bay fisheries resources across jurisdictions.~~

For consideration (not yet vetted with Fisheries GIT (GIT1 meets June 17-18):

1) Finfish Outcome (resident and transient species) – recover finfish populations to xxxx levels

- Pro: All inclusive
- Con: May not be science based and achievable

2) Develop bay outcomes for each of striped bass, shad and herring and menhaden similar to how C2K was handled.

- Pro: Specific to each key species so clear and definable
- Con: Looks single species not ecosystem based and c2k numbers I don't think meant much to bay

3) Forage Fish Outcome: Maintain a population level of forage fish that supports other commercial finfish species.

- Pro: Ecosystem based because forage drive the system
- Con: May be hard to scientifically define a base population level/carry capacity. Would also need to include habitat.

4) Ecosystem Outcome: Two possible options:

- i) establish habitat objectives (identify and establish measurable thresholds below which we cannot go and support fisheries) also links to land use.
 - ii) establish bay wide multi-species plans or targets. Based on the findings that MSY for a complex of species tends to be lower than the sum of MSY for single species.
- Pro: Would be measurable; would move ebfm forward on a baywide scale.
 - Con: Possible concerns by the fisheries.

5) invasive catfish - reduce populations of invasive catfish in xxxx key tribes/watersheds to levels that mitigate impacts and reduce spread

- Pro - high visibility outcome to drive action in jurisdictions
- con-?

Vital Habitats Goal: Restore, enhance, and protect a network of land and water habitats to support priority species and to afford other public benefits, including water quality, recreational uses and scenic value across the watershed. MB recommend draft goal to PSC with no changes.

* *Note: The agreement draft dated 6/6/13 (v.6) incorrectly replaced the Vital Habitats Goal with language intended for the Wetlands Outcome. This version corrects that editing error.

- **Wetlands Outcome:** ~~Restore 30,000 acres of tidal and non-tidal wetlands, enhance function of an additional 150,000 acres of degraded wetlands,~~ Restore a total of 100,000 acres of tidal and non-tidal wetlands, primarily on resource and agricultural lands and enhance function of an additional 150,000 acres of degraded wetlands.
 - *Black Duck:* Restore wetland habitats to support a wintering black duck population in the watershed of 100,000 birds by 2025.
- **Stream Health Restoration Outcome:** Restore stream health and function by 10% above the 2008 level of sampled stream sites* throughout the watershed rating fair, good, or excellent as measured by the Index of Biotic Integrity, by 2025”
(*Note: STAR’s NTWG will re-assess baseline). Monitoring and assessment of IBI should be compiled by states between 2008-2016 and between 2017 and 2025)
 - *Brook Trout:* Restore naturally reproducing brook trout populations with an 8% increase in total cumulative brook trout patch area by 2025 in Chesapeake headwater streams.
- **Fish Passage Outcome:** During the period 2011-2025, restore historical fish migratory routes by opening 1,000 additional stream miles, with restoration success indicated by the presence of river herring, American shad, Hickory shad, Brook Trout and/or American eel.
**(Note from GIT1: The Brook Trout and Fish Passage outcomes both relate to fish. Should consider whether to consolidate under the Sustainable Fisheries Goal).
- **Submerged Aquatic Vegetation Outcome:** Achieve and maintain 185,000 acres of SAV ~~in the Chesapeake Bay to meet water quality standards~~ or sufficient water clarity to support 185,000 acres of SAV in the Chesapeake Bay by 2025.
- **Forestry Outcome:** 1) Restore 900 miles per year of riparian forest buffer and conserve buffers until at least 70% of riparian areas are forested, and 2) Expand tree canopy ~~in 120 communities~~ 1,000 acres per year by 2025.

Water Quality Goal: ~~Restore water quality to achieve standards for DO, clarity/SAV, and chlorophyll-a in the Bay and its tidal waters as articulated in the Chesapeake Bay Total Maximum Daily Load (TMDL).~~ MB recommends draft goal to PSC as revised: “Restore water quality to achieve standards for the Chesapeake Bay watershed.

- **2025 Watershed Implementation Plans (WIP) Outcome:** Have all controls installed by 2025 to achieve the Bay's DO, water clarity/SAV, and chlorophyll a criteria.
- **2017 WIP Outcome:** Have practices in place by 2017 that are expected to achieve 60 percent of the load reductions necessary to achieve applicable water quality standards compared to 2009 levels.

Healthy Watersheds Goal: Maintain local watersheds at optimal health across a range of landscape contexts. MB recommends draft Healthy Watersheds Habitats Goal to PSC with minor revisions (forthcoming from GIT4).

Alternative option: Maintain local waters and watersheds that are identified by states as currently healthy at optimal health across a range of landscape contexts.

- **Healthy Waters Outcome:** Current state-identified healthy waters remain healthy.

Alternative option: 100% of state-identified currently healthy waters and watersheds remain healthy (baseline year: _____).

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. MB recommends draft goal to PSC with no changes.

- **Protected Lands Outcome:** Protect an additional two million acres of lands throughout the watershed currently identified as high conservation priorities at the federal, state or local level by 2025, including 695,000 acres of forest land of highest value for maintaining water quality and an additional 225,000 acres of wetlands by 2025.

Public Access Goal: Expand public access to the Bay and its tributaries through existing and new local, state and federal parks, refuges, reserves, trails and partner sites. MB recommend draft goal to PSC with no changes.

- **Public Access Site Development Outcome:** Increase public access by adding 300 new public access sites by 2025.

Environmental Literacy Goal: Every student in the region graduates environmentally literate having participated in meaningful watershed educational experiences in elementary, middle, and high school that were supported by teachers who have received professional development in environmental education and schools that are models of environmental sustainability. MB recommend draft goal to PSC with possible revisions (forthcoming).

- **Student Outcome:** Increase the number of students participating in meaningful watershed educational experiences in elementary, middle, and high school.
- **Educator Outcome:** Improve access to sustained professional development opportunities, tools, and resources that support teacher efforts to provide students with high-quality environmental education.
- **School Outcome:** Increase the number of schools in the region that maintain their buildings, grounds, and operations to support positive environmental and human health outcomes.

- **Local Education Agency Outcome:** Increase the number of local education agencies that establish and support a system wide approach to environmental education that includes meaningful watershed educational experiences.

Identified Gaps: Toxic Contaminants, Social/Environmental Indicators, Sound Land Use Planning

Section 5: Principles

Section 5 describes the overarching framework by which the Chesapeake Bay Program and its partners and stakeholders agree to operate. Principles and operational commitments are related and aligned with each other. Principles are defined as our collective core values which dictate our organizational behavior.

The Partners agree to the following principles:

1. Work together in an environment of mutual respect and trust while respecting the sovereign authority of each partner.
2. Work to improve local water quality, the natural environment and quality of life across the watershed and its tributaries leading to the restoration of the Chesapeake Bay.
3. Strive for improvement in both the environment and the economy through the program's management actions.
4. Acknowledge, support and embrace local governments and other local entities in Bay restoration actions.
5. Advance the environmental literacy of Bay watershed residents.
6. Utilize science-based decision-making and seek out new technologies in advancing our management actions and strategies of management based upon a changing system.
7. Recognize that our long-term success will require a forward-looking approach that anticipates changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other aspects of environmental variability.
8. Institute and adhere to adaptive management principles throughout all levels of the partnership to foster continuous improvement.
9. Implement collaborative, consensus-based decision-making approaches.
10. Continue to operate with transparency in program decisions, policies and science.

** *Note: The agreement draft dated 6/6/13 (v.6) incorrectly added two additional principles which were not vetted by GIT6. Those suggestions for principles are noted in the document: MB Comments on Draft Agreement (dated 6/12/13).*

Section 6: Operational Commitments

Operational commitments reflect those Principles and describe our intent for program-wide actions.

The Partners agree to the following Operational Commitments:

1. Implement an adaptive management system that ensures continual improvement of our ability to achieve goals, outcomes, and strategies including development and implementation of a tracking and accountability framework.
2. Develop management strategies for each outcome, approved by the Management Board that identifies jurisdictions, federal agencies and other partners committed to providing leadership toward the achievement of that outcome.

3. Management strategies, outcomes and goals will be evaluated on a biennial basis by the Management Board with recommendations going to the Principals' Staff Committee (PSC) for approval.
4. Engage the Advisory Committees (CAC, LGAC and STAC) as non-voting members of the PSC.
5. Demonstrate strong, regional leadership by convening an annual public meeting of the Chesapeake Bay Executive Council.
6. Strengthen ongoing relationships with local governments, and other local stakeholders including: businesses, schools and universities, watershed organizations, neighborhoods, and individuals.
7. Maintain a coordinated Bay-wide monitoring and research program as necessary to support decision-making and track progress and the effectiveness of management actions.
8. Recognizing changing environmental conditions, explicitly identify opportunities to pursue management strategies that will be robust and resilient across a range of future conditions.
9. Effectively coordinate management actions with monitoring systems to understand patterns of change and ensure performance over time.
10. Commit to an environmentally literate public leading to increased individual stewardship by engaging more fully in place-based community restoration actions, improving partner and stakeholder outreach and messaging, formal (K-12) and non-formal educational opportunities and enhanced teacher professional development.
11. Work to advance the Chesapeake Bay Programs' technological capability and use it to evaluate the effectiveness of management strategies.
12. Develop "governance guidelines" to identify the roles, responsibilities and working relationships of and between all partners
13. Develop governance procedures for the Chesapeake Bay TMDL. (***Question for MB; keep as separate commitment or as part of governance guidelines?***)
14. (Placeholder language, Md.) *Work collaboratively to develop and execute management strategies for solving mutual obstacles to restoration implementation including: solving permitting problems, building local government capacity, expediting approval of new and innovative best management practices, and identifying and developing innovative financing solutions.*

Section 7: Effective Date

This Declaration is effective upon signature.

Section 8: Affirmation and Signatures

Whereas, the Chesapeake Bay Program Partners recognize the need to accelerate implementation of actions necessary to achieve the Goals outlined herein and realize our shared vision of a healthy and vibrant Chesapeake Bay Watershed;

By this Agreement, we the undersigned members of the Chesapeake Executive Council, reaffirm our commitment to work together as described herein to protect and restore the Chesapeake Bay ecosystem. We agree to work collectively toward the goals and outcomes of this agreement and to work both independently and collaboratively to implement specific management strategies to achieve these shared goals and outcomes.

Date: _____

For the Commonwealth of Pennsylvania
For the Commonwealth of Virginia
For the State of Maryland
For the State of West Virginia
For the State of New York
For the State of Delaware
For the District of Columbia
For the Chesapeake Bay Commission
For the United States of America (EPA Administrator to sign on behalf of the Federal Government and the Federal Leadership Committee)

DRAFT