

Chesapeake Bay Watershed Agreement

Draft 1 for PSC Consideration on June 27, 2013

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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 watershed is one of the most extraordinary places in America. The nation's largest estuary and its network of streams, creeks and rivers hold tremendous ecological, cultural, economic, historic and recreational value for the region and its citizens.

The Chesapeake Bay Program partnership was formed 30 years ago when the first Chesapeake Bay agreement was signed in 1983, recognizing the "historical decline of living resources" in the Chesapeake Bay and committing to a cooperative approach to "fully address the extent, complexity, and sources of pollutants entering the Bay." It laid the foundation for a cooperative program that now includes all the Chesapeake Bay watershed jurisdictions, EPA on behalf of the federal government 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 restore and protect 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:

- Practices in place to reduce Nitrogen 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.

But there is more to be done:

- Oyster populations remain at historically low levels
- Population growth continues at a rate of xxx
- Nutrient and sediment pollution must be reduced to meet water quality criteria
- +++

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.

Regional differences in governance, economy, culture, and the environment converge at the local level, but the Chesapeake watershed ecosystem is driven by forces beyond local control. At the same time, changes occurring on a local scale contribute to the 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. This agreement 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 are committed to a future that sustains highly valued ecosystem benefits and makes the region resilient to development pressure. We reaffirm our commitment to the 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 citizens and 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. Nothing in this agreement imposes any additional requirements on the signatories under the Clean Water Act, nor does it relieve any of the signatories from existing or future requirements under the Act.**

***Note:** Last sentence is placeholder language that the Management Board needs to consider.

Sustainable Fisheries Goal: Protect, restore, and enhance 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.

- **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.
- **Fisheries Outcome:**
GIT 1 is considering one of the following three areas for a third outcome:
 - 1) Forage Fish
 - 2) Ecosystem-based Fisheries
 - 3) Invasive Species

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.

- **Wetlands Outcome:** Restore a total of 30,000-83,000 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 Outcome:** Restore stream health and function by 10% above the 2008 level* throughout the watershed by 2025.

*Note: STAR's NTWG will re-assess baseline). Monitoring and assessment of IBI should be compiled by states between 2008 and 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.
- **Submerged Aquatic Vegetation Outcome:** Achieve and maintain 185,000 acres of SAV 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 urban tree canopy by 1,000 acres per year in 120 communities by 2025.

Water Quality Goal: Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries while protecting human health.

- **2017 Watershed Implementation Plans (WIP) Outcome:** Have practices and controls in place by 2017 that are expected to achieve 60% of the load reductions necessary to achieve applicable water quality standards compared to 2009 levels.
- **2025 WIP Outcome:** Have all practices and controls installed by 2025 to achieve the Bay's DO, water clarity/SAV, and chlorophyll a standards.
 - *Agricultural Conservation:* Work with producers to apply new conservation practices on 4 million acres of agricultural working lands in high priority watersheds by 2025 to improve water quality in the Chesapeake Bay and its tributaries.
- **Toxic Contaminants Outcomes:**
 - (a) Identify and implement practices to reduce loadings of persistent bio-accumulative and toxic (PBT) contaminants and non-(PBT) contaminants that have an effect on the ecosystem resources and human health.
 - (b) Improve knowledge of the effects of contaminants of emerging concern on the health of fish and wildlife so future strategies can be considered.

Healthy Watersheds Goal: Protect state-identified healthy waters and watersheds, recognized for their exceptional quality and high ecological value.

- **Healthy Waters Outcome:** By 2025 100% of state-identified currently healthy 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.

- **Protected Lands Outcome:** Protect an additional two million acres of lands from the 2010 baseline year, throughout the watershed currently identified as high conservation priorities at the federal, state or local level by 2025, including 225,000 acres of wetlands and 695,000 acres of forest land of highest value for maintaining water quality.

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.

- **Public Access Site Development Outcome:** Increase public access by adding 300 new public access sites by 2025 (from the 2010 baseline).

Environmental Literacy Goal: Every student in the region graduates environmentally literate having participated in teacher supported meaningful watershed educational experiences.

- **Student Outcome:** Increase the number of students participating in meaningful watershed educational experiences in elementary, middle, and high school.
- **Educator Outcome:** Increase the number of teachers receiving sustained professional development to provide and support students' meaningful watershed educational experiences.
- **School Outcome:** Increase the number of schools in the region maintaining their buildings, grounds, and operations use best practices to support environmental and human health.
- **Local Education Agency Outcome:** Increase the number of local education agencies implementing system wide approaches for environmental education that includes meaningful watershed educational experiences.

New Proposed Goal:

Stewardship Goal: Promote and support initiatives that increase the number and diversity of stewards who carry out local conservation and restoration to achieve the goals and commitments of the agreement.

Identified Gaps: Social/Environmental Indicators, Sound Land Use Planning, Accelerating Implementation

Section 5: Management Strategy Elements

- *Outlines key elements of strategies to be developed by Goal Implementation Teams for each of the outcomes in the Agreement with stakeholder input.*
- *Identifies jurisdictions, federal agencies and partners committed to providing leadership toward the achievement of each outcome as well as related actions and resources.*
- *Addresses factors influencing outcomes including climate change adaptation, land use change and regulatory barriers.*
- *Is updated biennially.*

Section 6: 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 innovative 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.

Section 7: 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 8: Effective Date

This Declaration is effective upon signature.

Section 9: 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)