

## Outcome Justification

[GIT4 had a conference call June 5 to discuss the Management Board's May 16 comments on the GIT's proposed goal and outcome statements. These notes capture the essence of the responses from GIT4, including pros and cons for the changes in Goal Option 2 and Outcome Option 2.]

### Goal options:

**Option 1, as initially proposed by the GIT: Maintain local watersheds at optimal health across a range of landscape contexts.**

**Option 2, accommodating MB comments: Maintain local waters and watersheds that are identified by states as currently healthy at optimal health across a range of landscape contexts.**

### Pros:

- Inclusion of “waters and” recognizes that PA identifies healthy stream segments, not watersheds. Other states identify watersheds.
- Inclusion of “that are identified by states as currently healthy” better defines the class (state-identified) and establishes a temporal baseline – the list that exists on date of the agreement.

### Cons:

- Fixing the baseline as the current lists of state-identified waters and watersheds ignores the fact that the states may add to or subtract from the lists over time. PA, for example, has decided to apply an improved methodology to identify healthy waters, the application of which will likely reduce the PA list over the next several years.

### Outcome options:

**Option 1, as initially proposed by the GIT: State-identified healthy watersheds remain healthy.**

**Option 2, accommodating MB comments: 100% of state-identified currently healthy waters and watersheds remain healthy (baseline year: \_\_\_\_).**

### Pros:

- Inclusion “100%”, “currently” and “baseline year: \_\_\_\_” provides for more explicit accountability.

### Cons:

- Same as the con above.

### **Current Condition:**

- All CBP partner states except West Virginia have identified specific non-tidal waters and/or watersheds that are currently in healthy condition. In West Virginia, the identified waters are those with high scores in the CBP's Stream Benthic Index of Biotic Integrity (BIBI).
- Clean Water Act antidegradation policy and state antidegradation policies and programs apply to these waters.
- There is as yet no effective accountability system by which to assess whether the identified waters are adequately protected from degradation.

### **Supporting Details**

- Why is this outcome important?
  - Complements the TMDL “dirty waters” approach to water resources management
  - Protection of healthy waters and their watersheds avoids high costs of restoration
  - Healthy non-tidal watersheds are necessary to assure sustainable Bay health
  - Healthy watersheds provide value to local communities
- Generally, how was the outcome derived?
  - Through discussion within the Maintain Healthy Watersheds Goal Team (GIT4)
- Which partners (state, federal agencies, goal teams, committees) were involved in creating this outcome?
  - Within GIT4, all CBP partner states, CBC, USEPA, USFWS, USGS, USFS, USNPS, The Nature Conservancy, Chesapeake Bay Foundation, American Farmland Trust and representatives from the Habitat (GIT2) and Stewardship (GIT5) GITs participated.
- Which partners (state, federal agencies, other GITs) need to be involved to achieve the outcome?
  - State water quality regulatory agencies (antidegradation), natural resources agencies, departments of planning
  - USEPA, USDA, USFWS
  - NGOs – land trusts, sport fishing organizations, local watershed groups
  - Local Governments, Citizens
  - River commissions (water use regulation)
  - GIT2, GIT5.

- What are major factors influencing ability to achieve outcome?
  - landscape condition, including forest cover, impervious surface, and connectivity between terrestrial and aquatic habitats;
  - flow regimes and channel stability;
  - land conservation;
  - private sector land use practices, including forest and stream corridor protection and stormwater runoff management;
  - government program implementation, including Clean Water Act anti-degradation, local code and ordinance enforcement, and land protection;
  - accountability, including use of metrics for tracking and reporting stream and watershed health, threats, and protection status;
  - knowledge level of key constituents and decision makers, including local governments, local watershed groups and other key interest groups.
  
- What is the basis for the target?
  - CWA antidegradation policy and the rationale provided above
  
- What management strategies will ensure the outcome is met?
  - **Chesapeake Bay Program Partnership**  
 The strategies that GIT4 has identified for itself are the following:
    - **Strategy 1: provide a forum** for mutual learning and exploration of scientific and management issues;
    - **Strategy 2: develop information resources**, including health and protection status tracking capabilities, and otherwise **support communications** about healthy watershed identification and protection;
    - **Strategy 3: promote the science** that supports better characterization and protection of healthy watersheds.

Also, GIT4 has compiled – from the states – lists of state activities that will be pursued in 2013 to address the outcome. They include the following:

- **Commonwealth of Pennsylvania:**
  - Continue to track the Managing Communities metric as a performance measure within DCNR's Bureau of Forestry. This measure evaluates how well municipalities protect their forested watersheds through the use of forest protection ordinances, dedicated staff, and forest management planning.
  - Continue to work with NRCS to prioritize Farm Bill program funding to benefit forested watershed lands through programs such as EQIP, CSP, Healthy Forests, and others.
  - Work with counties and municipalities to prioritize the use of open space funding under Act 13 to protect healthy watersheds.
  - Prioritize the use of open space funding from a variety of sources to protect healthy watersheds.
  - Explore use of DEP Growing Greener funding for healthy watershed protection by local community groups and municipalities.

- Continue use of DCNR's Land Choices education and outreach program that trains teachers and municipal officials in sustainable land-use practices, including watershed protection.
- Explore Implementation of a statewide Forest Conservation Easement Program to protect healthy watersheds with clean water or safe drinking water funding. Model after the successful "sponsorship" programs in neighboring states that reduce interest rates for additional land protection and restorations.
- **State of Maryland**
  - Explore potential for use of healthy watershed protection action as a growth offset
  - Update the Watershed Resource Registry to improve protection of Healthy Watershed values through regulatory and non-regulatory decisions.
  - Document the connections between healthy watershed protection and source-water protection and human health.
  - Determine if a refined healthy watershed identification map would benefit state agency program implementation and coordination.
  - Develop a plan for updating the "Surf Your Watershed" website as a way to improve public communication of healthy watershed condition, management needs and protection status.
  - Develop and implement communications to local communities
  - Initiate interagency coordination to discuss the development of a Tier III antidegradation designation for highest quality waters and watersheds
  - Collaborate with NGOs, such as The Nature Conservancy, Alliance for the Chesapeake Bay, and others, to coordinate protection and communication efforts.
  - Continue interagency coordination for further development of the Biological Recovery Initiative, in partnership with EPA, to evaluate restoration priorities based on measures of recovery potential.
  - Refine Maryland's land conservation tracking system in support of the NPS Landscape initiative.
  - Issue a report through the Marcellus Shale Safe Drilling Initiative Advisory Commission that documents Best Practices needed for avoiding unacceptable risks to public health, safety, the environment and natural resources.
  - Draft for public review April 30, 2013. Implement DNR Fisheries new Mattawoman Creek ecosystem protection initiative.
- **Commonwealth of Virginia:**
  - Resolve healthy watershed identification map for use in public communications
    - Qualify identification as "ecologically healthy waters" to avoid confusion over persistent impairments in identified waters
  - VCU: complete a classification of VA healthy waters as a function of development threat and provide those data to the CBPO for use in public communications
  - Integrate a designation of "healthy streams" within the VA ProbMon assessment database
  - Explore (in Chowan pilot) how to use CWA 319 for healthy watershed protection: develop a protection plan addressing 319 program "a-i" criteria

- Collaborate with EPA Region 3 to guide healthy watershed protection in the Rappahannock basin
  - Evaluate overlap between identified “healthy waters” and the Commonwealth’s 303(d) listed waters.
  - Partner with NGOs to seek sustainability of funding for a healthy watershed protection plan.
  - Coordinate with Trout Unlimited on the EBTJV in the Shenandoah basin to acquire new data and support protection projects.
- **Chesapeake Bay Commission:** Follow through on the “crediting conservation” issue with release of a report in the spring of 2013 on the possible options for addressing land conservation in the context of the Bay TMDL
- **Federal Agencies:**
  - EPA Region 3
    - R3 Water Protection Division:
      - Clarify and reinforce how EPA uses antidegradation designations for healthy waters.
      - Integrate healthy watershed protection into EPA water programs
      - Explore potential to strengthen antidegradation implementation
      - Explore potential integration of healthy watersheds into source water protection programs (under way within the Potomac Partnership)
    - Environmental Assessment and Innovation Division:
      - Integrate healthy watershed protection into mitigation banking and the CWA Section 404 program
      - Provide technical assistance to PA and WV to complete landscape-scale green infrastructure assessments
      - Provide technical assistance to Frederick County, MD, to complete a green infrastructure assessment
      - If funding is available, use Potomac Highlands Implementation Grants to fund conservation easements and restoration projects through collaboration with EBTJV and others
      - Explore potential to use CWA programs to protect flow in healthy watersheds
      - Consider SRBC evaluation of shale gas development impacts on flow
      - Add information on state-identified healthy watersheds to NEPAassist, so that NEPA project reviewers will be made aware that a proposed action is within a healthy watershed
      - Partner with USFWS in the Highlands and work with LCCs to promote healthy watershed projects
  - EPA HQ:
    - Propose and implement a grant program for implementation of the Healthy Watershed Initiative
    - Lead an effort among federal agencies to identify programs and resources that can be used to protect state-identified healthy watersheds
  - USNPS @ CBPO: incorporate map layer of state-identified healthy

- watersheds into Landscape Chesapeake
  - USGS @ CBPO: GIS Team support for GIT4 development of HW tracking capability
  - USFWS @ CBPO: GIT2 Chair collaborate on linkage of GIT4 protection activities to Eastern Brook Trout Joint Venture
- **Non Government Organizations:**
  - TNC:
    - Provide GIT 4 leadership as the GIT 4 Chair
    - Provide GIT 4 leadership as the GIT 4 Communications Workgroup Chair
    - Complete pilot assessment of healthy watershed protection provisions in sampled Virginia counties
  - ACB
    - Support healthy watershed session at the 2013 Chesapeake Watershed Forum [RFP for Forum session is due out in January, 2013]
    - Support GIT4 communications activities through the CBP Communications Office [See Eastern Brook Trout Video at: [http://www.chesapeakebay.net/videos/clip/from\\_the\\_field\\_linking\\_land\\_and\\_water\\_in\\_brook\\_trout\\_conservation](http://www.chesapeakebay.net/videos/clip/from_the_field_linking_land_and_water_in_brook_trout_conservation)]
    - ACB also volunteers help in other outreach communications for this plan as part of ACB's new strategy to increase the level of informational/educational activities presented for Chesapeake Network and Forum participants. This current initiative is tentatively being called "Forum Plus" and will consist of regional forums and/or issue debates interspersed throughout the year, web simulcasts of workshops already occurring (Stormwater Retreat, Summit), and innovative electronic presentations akin to TED talks.
- What data will be used to measure progress?
  - Current accountability metrics:
    - Benthic index of biotic integrity
    - State lists of Tier II and Tier III waters for antidegradation purposes
  - Other accountability metrics are under discussion within GIT4, and their further development and use would be among the GIT's management including the following classes of possible metrics:
    - Land protection data
    - State regulatory program implementation data
    - Local capacity assessment data

**More Information:** Maps of all state-identified currently healthy waters and watersheds are available on ChesapeakeStat.