
****NOTE:** This “Discussion Draft” was presented to the CBP Management Board at its meeting on May 16, 2013. Comments were requested from the MB by May 23, 2013 and incorporated into this version (in red). This red-line version was provided to GIT6—along with the May 16 MB Actions/Decisions discussion notes—to give direction for developing a “first draft” Agreement (for MB consideration at the June 13 meeting).

The participatory language (mission, vision, preamble, etc.) in this version was for example only and at the time had not been vetted yet by GIT6, the MB or other GITs. The goals and outcomes in this version are drafts that were under review by the GITs and MB since 2012.

Chesapeake Bay Program Agreement

FWS Comment:

- Consider : “Chesapeake Bay Watershed...” instead of “Program” to reflect the full scope of the program’s work)
- Consider: alternative names for ‘Agreement’ such as: “Action Agenda” to reflect a more dynamic approach.

Management Board Discussion Draft (5/16/13 meeting)

The following is sample agreement language that helps to illustrate the recommended style of the next Chesapeake Bay Agreement. Discussion questions are also included to solicit MB feedback prior to development of a first draft of the agreement:

Agreement Contents

Proposal: The agreement would have the following sections (example language and discussion questions for the bolded sections are found on the page noted):

Page 2: **Section 1: Preamble**

Page 2: **Section 2: Vision**

Page 3: **Section 3: Mission**

Section 4: Goals and Outcomes

- Decision on identification of responsible entities for outcomes

Section 5: Membership

Page 4: **Section 6. Principles and Operational Commitments**

Section 7: Effective Date

Section 8: Affirmation and Signatures

Supplemental Materials

Supplemental Document – Governance Document

Supplemental Document – Management Strategies

CBC Comments:

- CBC recommends using management strategies as a vehicle for changing outcomes (instead of the Agreement). If outcomes are out-dated in 5-10 ten years, a new agreement would be needed to update the outcomes. Asking governors to revise again would draw criticism.
- CBC does not support optional sign-on to management strategies as it could discourage stretching funding or ramping up efforts.

Additional Decision Points

- Treatment of TMDL issues in the partnership
- PSC Participation and Voting eligibility
- PSC/MB voting privileges

Preamble: An introductory or preliminary statement that sets out in detail the underlying facts and assumptions, and explains the document's purpose, intent and objectives.

- What are the key points to include in the preamble (as opposed to the Governance Document)?
 - Importance of the ecosystem? Water quality focus?
 - History of the Partnership? Past Agreements and a statement that the new agreement supersedes previous agreements?
 - Examples of benefits of working as a partnership?
 - Acknowledgement of work done by other organizations and defining the narrower role of CBP?

Section 1: Preamble – history, benefits and accomplishments of the 30-year Chesapeake Bay Program Partnership.

The Chesapeake Bay - the largest estuary in the United States - is a highly complex ecosystem that includes important habitats and food webs. It is comprised of interrelated parts that interact with each other to form a whole. The Bay and its rivers, wetlands and forests provide homes, food and protection for diverse groups of animals and plants. Fish of all types and sizes either live in the Bay and its tributaries year-round or visit its waters as they migrate along the East Coast. Even the smallest creatures play an important role in this ecosystem.

Human activities affect the Chesapeake Bay ecosystem by adding pollution, using resources and changing the character of the land...

In 1983, 1987 and 2000, the states of Virginia, Maryland, Pennsylvania, the District of Columbia, the Chesapeake Bay Commission and the U.S. Environmental Protection Agency, representing the federal government, signed historic agreements that established the Chesapeake Bay Program partnership to protect and restore the Chesapeake Bay's ecosystem.....

For almost two decades, the Chesapeake Bay Program Partners have worked together as stewards to ensure the public's right to clean water and a healthy and productive resource.....

On this 30th anniversary of the founding of the Chesapeake Bay Program, we recognize the significant progress made to protect and restore this National treasure and by signing this agreement, we hereby reaffirm our partnership and recommit to fulfilling the public responsibility we undertook three decades ago.

CBC Comments:

- May want to weave in concept of making the Bay resilient to climate change in this section.
- Need some inspirational prose in this section. (see C2K for inspirational language on the splendor of the Bay, the richness and diversity of its ecosystems, etc.

Mary Gattis (LGAC Coordinator) Comments:

- Explain what is different about this agreement; emphasize the need for accelerated implementation; recognize/acknowledge the critical role of non-signers. Suggested language:
 - "Great progress has been made and the health of the Chesapeake Bay and its tributaries is improving. However, implementation efforts must be accelerated ... add a little bit about why implementation must be accelerated."
 - "The Partners have been working together now for thirty years. During that time we have ... explain the foundation that has been established, the working relationships and management systems that have established."
 - "It is now time for the Partners to shift their focus to empowering/enabling/facilitating implementation of local actions that will achieve the Goals outlined herein and realize our shared vision of a healthy and vibrant Chesapeake Bay Watershed. To this end, the Partners acknowledge the important role that local governments, businesses, schools and universities, watershed organizations, individual citizens and others play in this effort and commit to work together to support local implementation."

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Vision – A *vision* is a concise statement that defines the mid- to long-term goals of the organization.¹ (It is intended to serve as a clear guide for choosing current and future courses of action.)

- Is the scope of the vision appropriate to provide guidance for goal setting?
- What is the most important part of the vision for your jurisdiction/organization?
- Does the vision mission provide the basis for appropriate goals and outcomes?
- Should the vision articulate what we think we will achieve by meeting the outcomes in 2025 or when we are “done”? Are they the same thing?

<http://www.ascd.org/publications/books/107042/chapters/developing-a-vision-and-a-mission.aspx>

Section 2: Vision – The Chesapeake Bay Program Partners envision a Chesapeake watershed with:

- clean water that is swimmable and fishable in streams, rivers and the Bay
- sustainable, healthy populations of blue crabs, oysters, fish and other wildlife
- a broad network of land and water habitats that support life and are resilient to the impacts of development
- abundant forests and thriving farms that benefit both the economy and environment
- extensive areas of conserved lands that protect nature and the region’s heritage
- ample access to provide for public enjoyment
- cities, towns and neighborhoods where citizens are stewards of nature

CBC Comments:

- May want to weave in concept of making the Bay resilient to climate change here.

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Mission – A *mission* is a brief statement, typically one or two sentences, that defines why the organization exists.² (It identifies its core purpose and focus that normally remains unchanged over time. a mission is something to be accomplished whereas a vision is something to be pursued for that accomplishment.)

- Is the mission too broad, too narrow?
- Does the mission provide the basis for appropriate goals and outcomes?
- Should the mission reference or acknowledge work that is needed beyond that of the partnership?

Section 3: Mission – The Partners agree to work together to restore and protect the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay through a

¹ Kaplan and Norton (2008), Mastering the management system, *Harvard Business Review* p. 2

² Kaplan and Norton (2008), Mastering the management system, *Harvard Business Review*. p.2

coordinated, cooperative approach. We agree to provide for continuity of management efforts and perpetuation of commitments necessary to ensure long-term results.

CBC Comments:

- May want to weave in concept of making the Bay resilient to climate change here
- Should mention that we collectively support all the goals of this agreement and will support our partners in achieving them and that this document is to be taken as a whole.
- First person should be used throughout the whole document. (e.g. “We agree to work together...)

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Section 4: Goals and Outcomes

Mary Gattis (LGAC Coordinator) Comments:

New Section or introduction to 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 Principles Staff Committee.”

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.

VA Comment:

- This is a science-based achievable goal. It is based upon a robust peer reviewed stock assessment. The numbers relative to the goal are developed from the winter crab dredge survey conducted by MDDNR and VIMS.
- **Oyster Outcome:** Restore native oyster habitat and populations in 20 tributaries by 2025.

VA Comment:

- This is not an achievable goal. Although \$millions have already been targeted at this, not a single tributary at this time can be described as restored. This goal is not based on science. Maintaining current population in Virginia will cost at least \$2.0 million per year. Full restoration of this number of tributaries will cost in the \$100's million.

- **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.

PA DEP Comment:

- This is not an outcome. With 1200 municipalities in PA's Chesapeake Bay watershed, PA DEP is not supportive of land use outcomes that will need to be tracked at the local level.

VA Comment:

- This is not an outcome, but it could be a part of an implementation plan. I need more detail on how this goal will be measured. What does "precautionary management" mean?

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.**

- **Wetlands Outcome:** Restore 30,000 acres of tidal and non-tidal wetlands, enhance function of an additional 150,000 acres of degraded wetlands, and protect an additional 225,000 acres of wetlands by 2025.

CBC Comment:

- Will this discrepancy between the proposed Agreement goal of restoring 30,000 acres and the 166,000 acres called for in State WIP's be addressed by the GIT?

PA DEP Comment:

- From 1998 to 2008, 18,217 acres of wetlands were restored and 97,738 acres were enhanced in the entire Bay watershed. The new targets are in addition to progress already made and require an increased rate of implementation. The 30,000 acres wetland outcome is less than the 54,000 acres of restored wetlands in PA's Phase 2 WIP. The wetland outcome should not, however, be a simple sum of all jurisdiction's WIP BMPs, as states will use adaptive management in the implementation of their WIPs. PA does not track and report "enhanced wetlands" because credit is not provided for this BMP in the model. It is our understanding that the Chesapeake Bay Program tracks "protected wetlands" with its Landscape tool, and it is not a responsibility of the jurisdictions to track this.

VA Comment:

- How were these numbers selected? What is the scientific justification for selecting these numbers?

Habitat GIT Comment:

- Move Wetlands protection component from Wetlands outcome under the Vital Habitats Goal to the Land Conservation Goal. "...and protect an additional 225,000 acres of wetlands by 2025."

- *Black Duck*: Restore wetland habitats to support a wintering black duck population in the watershed of 100,000 birds by 2025.
- **Stream Restoration Outcome**: Restore stream health and function so that 70% of sampled stream sites throughout the watershed rate fair, good or excellent as measured by the Index of Biotic Integrity by 2025.

PA DEP Comment:

- PA DEP staff appreciate the efforts made by the Non-tidal Workgroup to revise the goal to require a 10% increase in stream sites, but at this time, we cannot endorse the outcome. We are in the process of evaluating the Index of Biological Integrity (BIBI) on which the measure is based. We have started the process but need more time as we are into our field collection season. Staff are engaged with Claire Buchannon to address our concerns. Right now, the BIBI does not treat PA equitably and we should not accept it as a measure. Should PADEP concerns with the BIBI be addressed, we anticipate that we can support the outcome.

VA Comment:

- Staff have requested more information on the scientific basis for selecting 8%. Current restoration efforts are in small watersheds and it will take a lot of them to attain an 8% goal in 13 years. Realizing an 8% net increase in wild brook trout area also assumes that we are not losing any of these populations between now and 2025. Our staffs are also concerned that the wooly adelgid's damage to our hemlock forests and increases in water temperatures might actually show a loss of brook trout waters in the future.

Habitat GIT Comment:

- The Habitat GIT recommends that the following revised outcome for stream condition be included in any new Bay agreement: *"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 (assessment made available by 2017) 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.

PA DEP Comment:

- The PA Fish and Boat Commission has indicated their support for this outcome.
- *Fish Passage*: 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.

PA DEP Comment:

- The PA Fish and Boat Commission has indicated their support for this outcome.

VA Comment:

- Add the following language to the end of the outcome: “removing barriers to fish passage only after assessment of the risk of opening access for invasive and other non-native species to areas where they do not already occur.”
- It would be helpful to have more information on the scientific basis for selecting 1,000 miles. How will the goal be apportioned though the jurisdictions? Also we need to consider non-native/exotic/invasive species into its fish passage decision making tool. There are dams/barriers protecting upstream species from non-natives (blue catfish, northern snakeheads,...). Funding is also an issue. Will there be federal funds to sustain this goal?

Habitat GIT Comment:

- Fish Passage will become a separate outcome rather than a sub-outcome under the Stream Health Outcome (as it is now).
- **Submerged Aquatic Vegetation Outcome:** Achieve and maintain 185,000 acres of SAV in the Chesapeake Bay to meet water quality standards.

VA Comment:

- This goal is science based, on documentation of historic abundance of SAV. Given recent warm water temperatures, which are detrimental to SAV, the 185,000 acre goal will be difficult to achieve in the short term. Is there a timeframe to reach this goal? We must also consider the affect nature has on the SAV population.
- **Forests 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 by 2020.

PA DEP Comment:

- This outcome is consistent with the 2007 Response to Directive 06-1, Protecting the Forests of the Chesapeake Bay signed by the Chesapeake Executive Council. If a 2025 deadline is established, the 70% number should be revised to 63%, to be consistent with the Executive Order Strategy.

VA Comment:

- 900 miles per year is an unrealistic goal. In Virginia we have not been able to restore over 100 miles per year. The tree canopy goal is achievable with stable federal funding.

Habitat GIT (and Jessica Blackburn) Comment:

- Forest Outcome should have a 2025 deadline. “Forests 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 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 Bay watershed.”

USGS Note:

- The WQ goal was revised by the MB to reflect efforts to carry out the Bay TMDL and reduce the effects of toxic contaminants.)

CBC Comment:

- Recommends: “Restore Water quality to achieve standards for the Bay [and it’s] watershed.”
 - We should clarify that we mean the Bay and the waters leading to the Bay; (responds to MB meeting comment that we should use commonly understood terms, not terms of art known only to CBP insiders).

PA DEP Comment:

- PA DEP prefers the original goal language: “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).”
- **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).

CBC Comment:

- Recommends: “Maintain local watersheds identified as healthy...”
 - Need to wordsmith to clarify for the public that the intent of the goal is to protect the waters that are currently healthy and to maintain their good health
- **Healthy Waters Outcome:** State identified healthy waters remain healthy.

CBC Comment:

- Recommends: “100% of currently identified healthy watersheds as of (baseline year) remain healthy.”
- Should clarify if it means urban, suburban and rural (if that is the intention).

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.

CBC Comment:

- Recommends: “Conserve landscapes treasured by citizens the public to maintain water...”
- **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.

CBC Comment:

- Question: Does this outcome start at zero acres when the Agreement is signed and build to 2 million acres from that point on? And is the 695K acres forest goal counted in the same way?

PA DEP Comment:

- DCNR staff have indicated their support for the outcome. They are currently seeking upper management support.

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.

CBC Comment:

- Recommends: “Expand public access to the Bay and its tributaries in every watershed state...”
- **Public Access Site Development Outcome:** Increase public access by adding 300 new public access sites by 2025.

CBC Comment:

- Should clarify what ‘public access’ means: boating, swimming, fishing, viewing, etc. If only in the Management Strategies, many people/public will miss it (and could feel misled if they understood public access to mean a new swimming beach rather than just a view).

PA DEP Comment:

- DCNR staff have indicated their support for the outcome. They are currently seeking upper management support. PA Fish and Boat Commission staff have also indicated their support.

VA Comment:

- It would be helpful to understand how this will be apportioned through the jurisdictions

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).

- **Education Outcome:** TBD

GIT 5 Comments:

- Existing goal may be shortened once outcomes are finalized.

- Draft outcomes will be presented and discussed at June 13th MB meeting.

Identified Gaps: Toxic Contaminants, Social/Environmental Indicators

CBC Comment:

- Recommends including “toxics” in Water Quality section or in its own section.

PA DEP Comments:

- Toxic Contaminants: Although PA DEP staff have not been supportive of developing a toxics goal, they will participate in the ad hoc workgroup established for this purpose.
- Social/Environmental Indicators: This is unnecessary bean counting.

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Principles – The principles (*values*, often called core values) prescribe the attitude, behavior, and character of an organization. Value statements, which are often lengthy, describe the desirable attitudes and behavior the organization wants to promote as well as the forbidden conduct.³

- Are there key principles or operational commitments that your organization would like to have mentioned in the new Agreement that are not yet listed (e.g. decision making, accountability, resource limitations)?
- Do the current principles cover what is needed to understand the nature of commitment and the operational basis of the partnership? Are there any principles that need to be deleted that might be problematic for EC members?
- Limitations and acknowledgements?
- Should this section discuss how to address revision of goals and outcomes in the future?

Section 6: Principles and Operational Commitments

The Partners agree to the following Principles:

1. Work together to improve the environment in communities throughout the entire watershed and in its thousands of streams, creeks and rivers.

CBC Comments:

- Recommends: “Work together and with local governments and other interested groups to address the protection, restoration and conservation of land and water resources improve the environment in communities...”

³ Kaplan and Norton (2008), Mastering the management system, *Harvard Business Review*. p.3

2. Coordinate and strategically manage water quality and ecosystem restoration efforts across the program in cooperation with the Federal Leadership Committee for the Chesapeake Bay and other non-governmental partners.

3. Use best efforts to accomplish the goals of the partnership outlined in Section 4 of this Agreement.

CBC Comments:

- **Recommends:** "Use collective best efforts..."

4. Use science-based decision-making and adaptive management principles

5. Commit to being transparent with the public on progress in meeting goals and outcomes, or any changes, additions or revisions to the goals, outcomes, or strategies of the partnership.

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 implementation of a tracking and accountability framework.

2. **Delegate** responsibilities for periodic review and necessary revisions of outcomes (based on adaptive management principles) to the **Principals' Staff Committee**

3. Demonstrate strong, regional leadership by convening an annual public meeting of the Chesapeake Executive Council.

CBC Comments:

- Not sure if simply having a meeting demonstrates leadership. We should add a few other things here like working together with congressional delegations, or coordinating legislative approaches between states to address certain issues, sharing knowledge, monitoring and best practices, and continually improving upon the partnership etc.

4. Implement a coordinated Bay-wide monitoring system and research program.

5. Develop **management strategies** for each outcome, approved by the **Management Board**, that would include jurisdictions and federal agencies who commit to supporting the achievement of that outcome. Management Strategies, outcomes and goals will be reevaluated every two years by the Management Board with recommended changes going to the PSC.

6. Develop “**governance guidelines**” to identify the roles, responsibilities and working relationships of and between all the CBP members, clearly articulate the roles and responsibilities of the federal agencies, and differentiation the role of EPA in oversight of the TMDL vs. partnership decisions.

Section 7: Effective Date

This Declaration is effective upon signature.

Section 8: Affirmation and Signatures

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.

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)

(Note: additional Federal Agency representatives may also be invited to attend based on issues being addressed at a particular EC meeting. The 2008 Farm Bill includes the following “sense of Congress” (which does not supersede intent of Congress in Section 117 of the CWA:

(g) Sense of Congress Regarding Chesapeake Bay Executive Council.--It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).)

Mary Gattis (LGAC Coordinator) Comments:

Suggested language:

- Whereas, the 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; and
- Whereas, the Partners recognize that implementation rests largely in the hands of those working at the local level, including local governments, businesses, schools and universities, watershed organizations and individual citizens.
- Now therefore, we, the undersigned Chesapeake Bay Partners commit to work together to support local implementation of actions consistent with the Goals outlined herein and more specifically with the Outcomes developed by the Principles Staff Committee.