Recommendations to PSC on IRC Issues
April 9, 2014

Issue and IRC Leads	Resolution/Recommendation	Date Resolved (or of current status)	PSC Decision (or direction)
	BIN #1 / IRC Issues		
1. Participatory Language <u>Lead</u>: WV, NY, MD, EPA	The IRC is recommending the following 3 options for PSC consideration: 1: **Deletes discretionary language from Goals and Outcomes section and adds that strategies will identify participating jurisdictions**. Adds new language to Affirmation and Signatures section recognizing voluntary nature of Agreement and that it is not a contract or assistance agreement. (See exact language below under EPA comments). 2: **Include the participatory language for headwater states only**. The paragraph would read, "each ~~signatory~~ headwater state may exercise its discretion…" 3: **Delete discretionary language from Goals and Outcomes section, and signatories should identify management strategies they will participate in at the time the Agreement is signed**. The Agreement should recognize that participation in management strategies, which will be for two-year periods, will vary. The Agreement should also require stakeholder engagement and public comment and review prior to adoption and subsequent reporting to the EC. (See exact language below under Maryland comments).	4/9/14	
2. Toxic Contaminants <u>Lead</u>: Adhoc Toxics Team: Greg Allen, EPA; Scott Phillips, USGS; & Russ Baxter, VA & others	The IRC is recommending 2 options for PSC consideration: 1. Reinsert (or develop new) the toxics research and reduction outcomes under the water quality goal 2. A new separate toxic contaminants goal with research and reduction/prevention outcomes.	4/9/14	
3. Climate Change <u>Lead</u>: MD	The IRC agreed to craft language for these options: 1.Add a new "Climate Resiliency" goal with one or more corresponding outcomes 2.Add new climate outcomes under current goals where appropriate (e.g. under fisheries, vital habitats, water quality goals) The EB will work on integrating "climate change" into the agreement.	4/9/14	

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4. Conowingo Dam Lead: MD	Recommended options for PSC consideration:: 1. Status quo (not addressed) 2. Add a new Conowingo Dam outcome under the Water Quality Goal	4/9/14	
5. Stewardship Lead: D.C., GIT 5	IRC recommends adding a new separate Stewardship Goal with two outcomes (Citizen Stewardship, Stewardship Metrics), and the possible addition of diversity and local leadership outcomes.	4/9/14	
6. Impervious Surfaces Lead: CBC & GIT 3	IRC recommends amending the existing land use outcomes: 1. Amend the Methods/Metrics Outcome to include a commitment to "quantify the potential impacts [of land use conversion] to water quality and costs to communities." By 2015 develop bay-wide metrics for measuring … insert something related to local there 2. Amend the Evaluation Outcome to "identify policy options to strategically manage and reduce the rate of conversion, including possible development of reduction outcome related to land use conversion." Note: For both outcomes add "wetlands" to farm and forest conversion language.	4/9/14	
7.a. TMDL/WIPs – regulations within voluntary agreement Lead: IRC	The IRC reached consensus on the issue of whether to maintain the current 2017 and 2025 WIP Outcomes in the final Agreement; the IRC recommended no change to the current outcomes.	3/26/14	
7.b. TMDL/WIP Source Sector acknowledgement Lead: EPA & GIT 3	The IRC agreed that either a new sentence should be inserted to explain the source sectors that are being addressed by the states and EPA in the WIPs. The IRC also agreed to add 2 sentences on the role of federal facilities in working with the jurisdictions on WIP implementation.	4/9/14	

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8. Environmental Justice and Diversity Lead: MD	The IRC recommends: 1. Add an Environmental Justice **or** Environmental Diversity outcome to a Stewardship Goal [pending approval]. 2. Address Diversity and Environmental Justice issues more explicitly in the Principles, or other appropriate sections, eg. Goal/Outcomes introduction.	4/9/14	
9. Governance Lead: CBC	Decision #1: Goal and Outcome authority a. Add language to the Agreement stating any changes or additions to goals and outcomes are finalized by the EC. b. Add language to the Agreement stating any changes or additions to goals are finalized by the EC. Changes or additions to outcomes are finalized by the PSC. Decision #2: Transparency a. Add language stating that proposed changes to goals and outcomes or the addition of new goals or outcomes are open for public comment before being finalized. Final changes or additions are publicly posted to the Bay Program website.	4/9/14	
	BIN #2 / Goal Team Recommendations		
Fisheries Goal Team			
Introduction	Add "**non-native and invasive species, toxics**,…" to the list of factors threatening Bay fisheries	4/9/14	
Blue Crab Abundance Outcome	GIT 1 is considering adding a statement to the end of the existing outcome to explain how the abundance target is refined. "**Evaluation and refinement of the population target will align with Baywide stock assessments conducted approximately every five years subject to available resources**." *(draft)*	4/9/14	
Blue Crab Management Outcome	GIT 1 recommends removing "population" because this outcome is focused on the fishery. GIT 1 is considering adding a deadline of "**By 2018**" to complete the allocation framework evaluation.	4/9/14	

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	BIN #2 / Goal Team Recommendations		
Oyster Outcome	GIT 1 recommends adding "**and ensure their protection**" to protect restored reefs. GIT 1 is considering adding a statement to the end of the existing outcome to explain how restoration is measured. **"Restoration efforts are currently guided by the Oyster Metrics that define success and by a tributary-based restoration strategy originally adopted in the Chesapeake Bay Executive Order."** *(draft)*	4/9/14	
Fish Habitat Outcome	GIT 1 recommends including language that would be inclusive of freshwater fisheries and adding a deadline of 2018. **"By 2018,** identify and characterize critical spawning, nursery and forage areas within the Bay **watershed** important for fish and shellfish **so that management strategies can be enhanced to improve fish health and recreational opportunities."**	4/9/14	
Habitat Goal Team			
Introduction	after "conserving healthy habitats and restoring the" insert: "**connectivity and**"	4/9/14	
Goal	GIT 2 recommends adding "support **fish and wildlife**" to the goal statement in place of "high priority species."	4/9/14	
Black Duck	GIT 2 recommends adding "**enhance, and protect**"	4/9/14	
Brook Trout	GIT recommends adding "**and sustain**"	4/9/14	
Tree Canopy Outcome	GIT 2 is considering increases to the outcome based on additional discussion & negotiation with the IRC and Forestry Workgroup input. **Flagged for PSC – discuss first with jurisdictions.**	4/9/14	
Steam Health Outcome	GIT 2 is considering the following compromise on percentage of healthy streams: "improve health and function of 10% of stream **miles** above the 2008 baseline for the Chesapeake watershed. Note: a 2008 baseline will be re-assessed by 2015."	4/9/14	
Stream Health Outcome – Note	GIT 2 recommends the following change to the baseline note: "Note: a 2008 baseline will be **established** by 2015"	4/9/14	

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Water Quality Goal Team			
Introduction	GIT 3 recommends inserting a brief description of the TMDL and WIPs.	4/9/14	
Healthy Watersheds Goal Team			
Healthy Watersheds Goal	GIT 4 recommends replacing "exceptional quality" with "high quality."	4/9/14	
Healthy Watersheds Outcome	GIT 4 recommends correcting "water" to "waters," and deleting "By 2025."	4/9/14	
Stewardship Goal Team			
Protected Lands Outcome	The Stewardship Goal Team put forward the two million acre protected land outcome in the draft agreement. The GIT believes this is an achievable goal. Public comments were submitted recommending this outcome be increased to 2.5 million acres. **Flagged for PSC – discuss first with jurisdictions.**	4/9/14	
Environmental Literacy Goal (modified)	GIT 5 recommends the modification: Every student in the region graduates with the knowledge and skills to act responsibly to protect and restore their local watershed.	4/9/14	
Student Outcome (a modified MWEE)	Every student participates in at least one teacher-supported meaningful watershed educational experience in elementary, middle, and high school.	4/9/14	
Sustainable Schools Outcome (new)	All schools in the region work towards maintaining their buildings, grounds, and operations using best practices to support environmental and human health.	4/9/14	
Environmental Literacy Plan Outcome (new)	By 2016, all states complete an environmental literacy plan that details system wide approaches for environmental education to meet the provisions of this agreement.	4/9/14	
Metrics Outcome	By 2014, develop baseline metrics to establish and measure outcomes related to student participation in teacher supported meaningful watershed educational experiences and related activities.	4/9/14	
Note:	This GIT proposal increases the number of outcomes from 3 in the draft agreement to 4 in the final agreement.	4/9/14	
BIN #3 / Management Strategy Issues / Unnecessary in Agreement			
Fracking	Fracking should not be included in the final Agreement because each affected state is already addressing it. The Land Use Workgroup is also exploring the issue for possible consideration as part of the Midpoint Assessment.	3/26/14	