

2013 Chesapeake Bay Watershed Agreement

Preamble

The Chesapeake Bay is the Nation’s largest and most productive estuary. It is also a powerful economic engine that holds tremendous ecological, cultural, historic and recreational value. Its vast network of more than 180,000 miles of creeks, streams and rivers flows through six states and the District of Columbia. Nearly 18 million people live, work and play on the diverse landscape draining into this magnificent body of water.

The Chesapeake Bay Program Partnership (the Partnership) was formed in 1983 when the Governors of Maryland, Virginia, Pennsylvania, the Mayor of the District of Columbia, the Chair of the Chesapeake Bay Commission and the Administrator of the Environmental Protection Agency signed the first Chesapeake Bay agreement. This agreement recognized the “historical decline of living resources” in the Chesapeake Bay and committed to a cooperative approach to “fully address the extent, complexity, and sources of pollutants entering the Bay.” For the past 30 years, this regional partnership, implemented policies, engaged in scientific investigation, and coordinated actions among the states, the federal government and the District to improve and protect the health of the Chesapeake Bay watershed.

Progress has been made to restore and protect the watershed and the plants and animals that inhabit it, but there is still much to do. The Partnership’s efforts will need to be strengthened to address threats to the Chesapeake Bay and its watershed, including changes in population, loss of farm and forest lands and changing environmental conditions. It is because of these challenges, that today the Partnership recommits to the Bay watershed restoration effort with a new Chesapeake Bay Watershed Agreement (Agreement) that, as in the past, is guided by science and the lessons learned from our successes and failures.

One of the most important lessons learned from the past three decades, is that watershed wide partnerships are needed, but actions happen locally. Support for the practices that can restore and protect the Bay and its watershed is a common thread among the people who depend on this valued resource for livelihoods, recreation, food and water and positive impacts on local economies. Therefore, local governments, regional authorities, soil and water conservation districts and other smaller scale government agencies and institutions will be critical to the overall success of this Partnership.

Bay watershed restoration efforts thus far have shown that measurable results coupled with firm accountability, yield the most significant results. The Partnership stands ready to embrace the new ideas, technologies and policies that will develop and pledges to incorporate them along with a continued focus on verification and transparency of actions to ensure that the most rigorous standards of science and policy are upheld and to strengthen and increase public confidence in the Partnership’s efforts. In addition, the Partnership acknowledges that an engaged public is vital to our success.

This Agreement acknowledges that the Partnership cannot address every issue at once. Rather, progress must be made in a strategic manner, focusing on efforts that will achieve the greatest

results, including enabling, empowering and facilitating citizens, local governments and other stakeholders to assist in the effort. Working together—citizens, communities, non-governmental organizations, advocacy groups, local governments, state and federal governments—will leverage resources and ensure better outcomes.

The original Agreement laid the foundation for a cooperative program that now includes all the Chesapeake Bay watershed jurisdictions as well as the original signatories. With this renewed Agreement, New York, West Virginia and Delaware, the “headwaters” states, become full partners in the Chesapeake Bay Program and the Chesapeake Executive Council. In addition, the federal partners, due in part to a 2009 Presidential Executive Order, reaffirm and augment their longstanding, shared commitment to restoring and protecting the Chesapeake Bay.

While it is acknowledged that there are substantial costs to achieving a clean Chesapeake Bay, this Partnership is committed to ensuring that restoration actions will be carried out as efficiently as possible at the least possible cost and the greatest benefit to individuals and society. Watershed restoration activities have the potential to become integral drivers of the region's economy. To that end, the Partnership is committed to achieving restoration success while maximizing the economic impact to local communities across the region.

Comment [gb1]: MD recommends adding language about the potential for job creation, improved economy, and other increased benefits.

Our Vision

The Chesapeake Bay Program partners envision a healthy, balanced and sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and a diversity of engaged citizens and stakeholders.

The Partnership recognizes that our collective success with these goals and outcomes will require a forward-looking approach that anticipates changing environmental conditions, such as long-term trends in sea level, temperature, and precipitation, as well as changing economic and political conditions. Consequently, these goals and outcomes, and their management strategies, will be updated as needed through a participatory, publicly transparent process.

Even as the program partners implement the actions necessary to achieve the outcomes herein, no agency or institution can succeed on its own. Success is only possible through the cooperation and active involvement of local governments, citizen stewards and businesses throughout the watershed who actively participate in efforts at the community scale. As the Partnership commits to the goals and outcomes below, we also commit to enhanced engagement at the local level to foster a stewardship ethic across the population. Without the individual everyday actions and support of our citizens, we cannot successfully reach our goals.

Goals and Outcomes

The commitments contained in this section are the goals and outcomes the signatories collectively will work on to advance restoration and protection of the Chesapeake Bay ecosystem and its watershed. Goals are the high-level results toward which the partners' efforts are directed, while outcomes related to each goal are the specific, time-bound, measureable targets that directly contribute to achievement of the goals. Work toward these goals and outcomes will require effort from federal, state, and local governments, academic institutions, nongovernmental organizations, watershed groups and individual citizens. As new opportunities and concerns are identified by the partnership, additional goals and outcomes may be adopted.

While the goals and outcomes are defined here in topic areas, they are interrelated: Improvements in habitat and water quality lead to healthier living resources. Environmentally literate citizens are stewards of the Bay’s healthy watersheds. Better water quality means swimmable, fishable waters for Bay residents and visitors. Increased public access to the Chesapeake inspires people to care for critical landscapes and honor the region’s heritage and culture. Healthy living resource populations support a vibrant economy for a spectrum of fishing-related industries. Examples like these are infinite. The signatories emphasize that all aspects of the ecosystem are connected and commit to the following goals and outcomes to support the health of the entire Bay watershed.

Sustainable Fisheries Goal: Protect, restore, and enhance 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 Abundance Outcome:** Maintain a sustainable blue crab population based on the current 2012 target of 215 million adult females and continue to refine population targets through 2025 based on best available science.
- **Blue Crab Management Outcome:** Improve the ability to manage for a stable and productive crab population and fishery by working with the industry, recreational crabbers, and other stakeholders to improve commercial and recreational harvest accountability. Evaluate the establishment of a Bay-wide, allocation-based management framework with annual levels set by the jurisdictions that will provide stability for crabbing businesses and accountability of the harvest for each jurisdiction.
- **Oyster Outcome:** Restore native oyster habitat and populations in 10 tributaries by 2025 to recover the benefits of fish habitat and water quality improvements that healthy oyster reefs provide.
- **Forage Fish Outcome:** By 2016 develop a strategy for assessing the forage fish base available as food for predatory species in the Chesapeake Bay.
- **Habitat Outcome:** Continue to identify and characterize critical spawning, nursery and forage areas within the Bay and [tidal] tributaries for important fish and shellfish and use new tools to integrate information and conduct assessments to inform restoration and conservation efforts.

Comment [BP2]: PA DEP COMMENT: PA continues to support including the word tidal in this outcome. PF&BC did not feel that “land use” type issues should be addressed by GIT 1.

Comment [gb3]: CBC Comment: The first half of this outcome doesn’t really add anything new and could be deleted. The second half should be re-drafted to be the focus of the outcome. Something to the effect of: “Explore new tools to . . .”

Comment [C4]: Awaiting MB decision

Vital Habitats Goal: Restore, enhance, and protect a network of land and water habitats to support high-priority species and to afford other public benefits, including water quality, recreational uses and scenic value across the watershed.

- **Wetlands Outcome:** Create or re-establish 85,000 acres of tidal and non-tidal wetlands and enhance function of an additional 150,000 acres of degraded wetlands by 2025. These

activities may occur in any land use (including urban) but primarily occur in agricultural or natural landscapes.

- o **Black Duck:** Restore wetland habitats to support a wintering black duck population in the watershed of 100,000 birds by 2025.

Comment [C5]: Awaiting MB decision

Comment [cpb6]: VA comment: This language is unnecessary.

- **Stream Health Outcome:** Restore stream health and function by 10% above the 2008 level* throughout the watershed by 2025. *Note: baseline will be re-assessed.

Comment [cpb7]: When will the baseline be re-assessed?

- o **Brook Trout:** Restore naturally reproducing brook trout populations in Chesapeake headwater streams with an 8 percent increase in occupied habitat by 2025

- **Fish Passage Outcome:** By 2025, restore historical fish migratory routes by opening 1,000 additional stream miles, with restoration success indicated by the presence of Alewife, Blueback herring, American shad, Hickory shad, American eel and/or Brook Trout. (Tracking from a 2011 baseline year)

- **Submerged Aquatic Vegetation Outcome:** Achieve and sustain the ultimate outcome of 185,000 acres of SAV Bay-wide necessary for a restored Bay. Progress towards this ultimate outcome will be measured by achieving 90,000 acres of SAV by 2017 and 130,000 acres by 2025.

Comment [C8]: Awaiting MB decision

- **Forestry Outcome:** 1) Restore 900 miles per year of riparian forest buffer and conserve buffers until at least 70% of riparian areas are forested. 2) Expand urban tree canopy by 2,400 acres by 2025.

Comment [gb9]: CBC comment: clarify whether both parts of outcome have 2025 deadline.

Comment [C10]: Requires outcome justification paper and workgroup approval. Awaiting MB decision

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

- **2017 Watershed Implementation Plans (WIP) Outcome:** By 2017, have practices and controls in place that are expected to achieve 60% of the nutrient and sediment pollution load reductions necessary to achieve applicable water quality standards compared to 2009 levels.
- **2025 WIP Outcome:** By 2025, have all practices and controls installed to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll a standards as articulated in the Chesapeake Bay Total Maximum Daily Load document.
- **Toxic Contaminants Research Outcome:** Improve knowledge of the effects of contaminants of emerging concern on the health of fish and wildlife so future strategies can be considered.
- **Toxic Contaminants Reduction Outcome:** Identify and implement practices to reduce loadings of PCBs and mercury to the Chesapeake Bay and its watershed.

Comment [C11]: Awaiting PSC approval

Comment [gb12]: CBC disputes finding of consensus for "option 3"; CBC and others prefer "option 2."

Comment [cpb13]: IRC members agreed with language with the exception of VA

Comment [BP14]: PA DEP COMMENT: PA will not pursue a management Strategy for this outcome. It appears that NY & WVA will also not support management strategy or reporting efforts.

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

- **Healthy Waters Outcome:** By 2025, 100% of state-identified currently healthy water and watersheds remain healthy.

Land Conservation Goal: Conserve landscapes treasured by citizens in order 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 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 (tracking from 2010 baseline year).
- **Land Use Methods and Metrics Development Outcome:** By 2015, develop a Chesapeake Bay watershed-wide methodology and metrics for measuring the rate of land conversions of agricultural and forest lands, and for measuring the extent and rate of change in impervious surface coverage.
- **Land Use Options Evaluation Outcome:** By 2017, evaluate policy options and identify potential incentives, resources and other tools that could assist local governments in their efforts to better manage and, when possible, reduce the rate of consumption of agricultural and forest lands, and conversion of porous landscape to impervious surface.

Comment [gb15]: CBC recommends adding baseline, e.g. "Tracking from a 2010 baseline..."

Comment [gb16]: CBC comment: This level of detail is more appropriate for a management strategy.

Comment [cpb17]: IRC agreed to language, with the exception of VA. Needs PSC approval

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:** Add 300 new public access sites by 2025, emphasizing opportunities for water contact (such as boating, swimming and fishing) where feasible (tracking from the 2010 baseline year).

Comment [gb18]: CBC recommends adding baseline, e.g. "Tracking from a 2010 baseline..."

Comment [cpb19]: Awaiting MB decision

Environmental Literacy Goal: Enable every student in the region to graduate with the ability to use scientific evidence and citizenship skills to act responsibly to protect and restore their local watershed.

- **Meaningful Watershed Educational Experience Outcome:** Increase the number of students participating in teacher-supported meaningful watershed educational experiences in elementary, middle and high school.
- **School and School System Model Development Outcome:** The Partnership will support and highlight models of sustainable schools and local education agencies that use system-wide approaches for environmental education
- **Environmental Literacy 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.

Local Government Leadership Goal: Engage, empower and facilitate local governments as partners in the protection and restoration of the Chesapeake Bay watershed.

- **Leadership Capacity Outcome:** Build leadership capacity of local governments to implement local actions by increasing local government officials’ knowledge of local water resources issues and the economic, cultural and policy incentives available to support implementation of actions that help achieve the goals of the Bay Agreement.
- **Local Tools and Resources Outcome:** Increase delivery of tools and resources: such as GIS-based analytical tools; water quality monitoring data; an environmental finance clearing house; technical assistance; and funding to empower local governments to develop and implement locally based approaches to water resource protection and restoration.
- **Economic Incentives Outcome:** Provide economic incentives to local governments who participate in the implementation of actions that help achieve the goals outlined in the Bay Agreement.
- **Financing Strategies Outcome:** Increase the number of communities utilizing creative financing strategies to implement local actions that help achieve the goals of the Bay Agreement.

Comment [gb20]: CBC comment: too prescriptive; more appropriate for management strategy.

Comment [BP21]: PA DEP COMMENT: It is not appropriate to address funding commitments in the Agreement.

Comment [C22]: VA DEQ Suggested revision: Support efforts to implement innovative financing strategies by local government, soil and water conservation districts and other sub-state jurisdictions.

Comment [C23]: Awaiting MB decision

Comment [gb24]: CBC: The question of whether every outcome needs a management strategy was raised on IRC call and is an issue in need of resolution.

Management Strategy Development and Implementation

A management strategy will be developed to implement each of the outcomes contained in this agreement as well as any outcomes that are added or revised in the future. Strategies will be developed by the appropriate goal implementation teams and approved by the Management Board within one year of the date of the Agreement and re-evaluated biannually using an adaptive management process. Strategies will outline means for accomplishing the outcome and methods for monitoring, assessing and reporting progress. In doing so, strategies will address approaches for engaging citizens in efforts to increase conservation and restoration actions—depending on the issue and the nature of the strategy. In addition, strategies will also address approaches for engaging local governments, organizations and businesses in implementation as necessary. Strategies will consider factors affecting the ability to meet goals and outcomes including adaptation to changing environmental, economic and cultural conditions. Policy changes to address these conditions and minimize obstacles to achieve the outcome may be identified for the appropriate level of government.

Except for those outcomes required by law and related to the implementation of the TMDL under the Water quality goal, each signatory, at its discretion, will indicate its level of participation in the strategies depending upon relevance, resources, priorities, or other factors enhancing or limiting participation. Partnerships with other agencies, organizations, and stakeholders will be identified as appropriate. Signatories may decide to adjust their level of participation in the implementation of strategies as circumstances warrant.

Stakeholder input shall be incorporated into the development and reevaluation of each of the strategies. Strategies and reports on progress will be made available to the public in a transparent manner on Chesapeake Bay Program websites and through public meetings of the appropriate goal implementation teams and Management Board.

If the Management Board determines that any strategy or plan that was developed prior to the signing of this Agreement meets the requirements of a management strategy as defined above, no new strategy needs to be developed. This includes, but is not limited to, the strategies and plans for implementing the Bay TMDL.

Comment [cpb25]: VA, PA and CBC – Strike this paragraph.

Principles & Operational Commitments

Principles

These principles are an overarching framework by which the Partnership agrees to operate. They encompass the Partnership's collective core values and are intended to help guide us in our work as the Partnership develops policy and takes actions to achieve the Agreement's goals and outcomes.

The Partners agree to:

- Work collaboratively to improve local water quality, the natural environment and the distinctive culture of the Chesapeake Bay region for both the greater good and to foster economically-thriving communities.
- Strive to ensure that goals and outcomes are achieved in a timely way and at the least possible cost to our citizens.
- Ensure the program fairly and effectively represents the interests of people throughout the watershed; including a broad diversity of cultures, demographics and ages.
- Operate with transparency in program decisions, policies and actions to strengthen and increase public confidence in our efforts.
- Utilize science-based decision making and seek out innovative technologies to support sound management decisions in a changing system.
- Acknowledge, support and embrace local governments and other local entities in watershed restoration activities.
- 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 variables.
- Institute and adhere to adaptive management principles throughout all levels of the partnership to foster continuous improvement.
- Implement collaborative, consensus-based decision making approaches.
- Use place-based approaches, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.

Operational Commitments

Operational commitments describe the Partner's intent for organizational or program-wide actions that reinforce or support achievement of the goals and outcomes.

The Partners agree to the following Operational Commitments:

Governance and Coordination

- Demonstrate strong, regional leadership by convening an annual public meeting of the Chesapeake Bay Executive Council.
- Develop “governance guidelines” for the Chesapeake Bay Program to identify the roles, responsibilities and working relationships of and between all partners and to clarify the relationship between EPA and the jurisdictions specific to the Chesapeake Bay TMDL.
- Engage the Chesapeake Bay Program Advisory Committees (Citizens Advisory Committee, Local Government Advisory Committee and Scientific and Technical Advisory Committee) and working groups as non-voting members of the Principals’ Staff Committee.
- Coordinate with the Federal Leadership Committee for the Chesapeake Bay and its designees.
- Strengthen partner accountability by maximizing partner participation on goal implementation teams and in management strategies.
- Strengthen ongoing relationships with local stakeholders including: local governments, businesses, schools and universities, watershed organizations, neighborhoods and citizens.

Comment [gb26]: CBC: these statements are more appropriate for the governance guidelines.

Adaptive Management

- Implement an adaptive management system that ensures continual improvement of our ability to achieve goals, outcomes and strategies.
- Require all new and revised goals and outcomes to be approved by the PSC, and as needed, endorsed by the Chesapeake Executive Council annually.
- Identify opportunities to pursue management strategies that will be robust and resilient across a range of changing environmental and political conditions.

Comment [gb27]: CBC: These items are redundant or should be in the governance guidelines.

Comment [BP28]: PA DEP COMMENT: Delete/ Awaiting MB decision

Research, Technology and Tools

- Develop and implement a program-wide tracking and reporting system to document progress and ensure that decision making and changes to management strategies are transparent.
- Maintain a coordinated watershed-wide monitoring and research program to support decision-making and track progress and the effectiveness of management actions.
- Coordinate management actions with monitoring systems to understand patterns of change and ensure performance over time.
- Work to advance the Chesapeake Bay Programs’ technological capabilities and use it to evaluate the effectiveness of management strategies.
- Develop and adapt innovative financing tools to assist government and citizens in achieving the goals and outcomes.

Comment [gb29]: CBC: These items are redundant.

Stewardship

- Promote and support initiatives that increase the number and diversity of citizens who support and carry out the conservation and restoration activities necessary to achieve the goals and commitments of the agreement.

Comment [cpb30]: Awaiting MB decision

- Explore the development of specific social and economic indicators to better understand and measure how human behavior and other social science considerations can drive natural resource management, decision-making, and use.

Comment [cpb31]: Awaiting MB decision

Comment [cpb32]: PA Comment: The Puget Sound is being shown as an example of social and environmental indicators to drive a social media campaign. The Puget Sound is a 12 county estuary program. The Chesapeake Bay Program covers a much broader expanse of people and cultures in 6 states and the District. I do not envision the CBP undertaking a broad social media campaign under a restricted federal funding scenario.

Comment [cpb33]: IRC agreed to this

Comment [cpb34]: This is recommended for deletion. Requires MB discussion

Effective Date

This Declaration is effective upon signature, with Management Strategies to be developed within one year.

Affirmation and Signatures

Whereas, the Chesapeake Bay Program Partners recognize the need to accelerate implementation of actions necessary to achieve the goals and outcomes 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 support the goals of this agreement and to work cooperatively in its implementation. We agree to work both independently and collaboratively toward the goals and outcomes of this agreement and to implement specific management strategies to achieve them. Every citizen of this great watershed is invited to join the Partnership, to unite as a region and to embrace the actions that will lead to success.

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)