



# Amending the Chesapeake Watershed Agreement

**Amend, Extend or Overhaul?**

# Quick History of Bay Agreements

40-year history of amending the Agreement

With each iteration of the Bay Agreement, the partnership

- 1) Added more partners
- 2) Increased scientific rigor
- 3) Added more goals and outcomes
- 4) Became more complex and specific with details, deadlines and more information

# 40 Years of Refining *and* Amending

- 1983 – First Agreement (signed)
- 1987 – Revised Agreement (signed)
- 1991 – Reevaluation of '1987 Agreement
- 1992 – Bay Agreement Amendments (signed)
- 2000 – Bay Agreement (signed)





# Why 2014?

## Drivers for a new Agreement

- 2007 – PSC agreed Bay TMDL was needed; final in 2010
- 2009 – Executive Order.... and Strategy in 2010 – **new FED goals/outcomes**
- 2010 – Recognized *Chesapeake 2000* (C2K) – Commitments largely met, expired or outdated.
- May 2010 – Chesapeake Bay Foundation Settlement Agreement with EPA
- 2010 – Federal Leadership Committee and CBP's Top Leadership called for **coordinating/integrating goals, outcomes, actions of the CBP with those in the EO Strategy**
- 2011 - EC and FLC agreed to a **3-year, 4 phase discussion and process**



2013 slide

# Chesapeake 2000 By the Numbers

	Living Resourc es	Habitat	Water Quality	Sound Land Use	Steward- ship	Total
Goals	1	1	1	1	1	5
Topics	5	4	5	4	4	22
Commitments	11(14)	15(18)	11(20)	26(28)	20(22)	82(102)
Met/Not Met	10 / 2	8 / 3	8 / 5	7 / 3	7 / 2	40 / 15
-With dates*	11(13)	10(12)	8(13)	15	10	55(60)
-With Measures	2	5	3	6	1	17
Met/Not Met	1 / 1	1 / 3	0 / 3	3 / 3	0 / 1	5 / 9

\* All but one date in *Chesapeake 2000* set to expire on or before 2010

# 2014 Watershed Agreement Intended to be Amended

## *The 2014 Chesapeake Bay Watershed Agreement:*

On June 16, 2014, the Chesapeake Bay Program (CBP) Partners signed a new *Chesapeake Bay Watershed Agreement*.

This new Agreement is the most inclusive, collaborative, and goal-oriented agreement for any watershed in the nation. Signatories include representatives from the entire Chesapeake watershed, including: the original signatory partners of MD, VA, PA, DC, the Chesapeake Bay Commission and the U.S. EPA (representing the federal government). For the first time, the Bay's headwater states of Delaware, New York, and West Virginia (DE, NY and WV) are now full partners in the Chesapeake Bay Program.

The new Agreement reflects improvements in our scientific knowledge, changes in laws, regulations and policies over the past decade and evolutions that have taken place within the Partnership, including the Chesapeake Bay Total Maximum Daily Load (TMDL) and jurisdiction's Watershed Implementation Plans. The new Agreement identifies the Partnership's collective commitments for restoring and protecting the watershed through 10 goals and 29 outcomes.



## *An Integrated and Adaptive Ecosystem Approach to Protecting and Restoring a National Treasure*

The CBP Partners recognize that all aspects of the ecosystem are connected and that this Agreement's Goals and Outcomes support the health and the protection of the entire Bay watershed.





# 2014 Chesapeake Watershed Agreement

- For the first time, all Bay states are signatories
- Memorialized 10 interrelated goals and 31 measurable, time-bound outcomes  
(1/3 have 2025 deadlines)
- Incorporated many of the goals/outcomes of the Executive Order Strategy
- Increases scientific rigor, accountability, systemic learning through **adaptive management** (decision framework) and requires Management Strategies (sets stage for SRS)



# PRINCIPLES

The following principles are an overarching framework by which the Chesapeake Bay Program commits to operate. They encompass the partners' collective, core values and are intended to help guide us in our work as the Partnership develops policy and takes actions to achieve this Agreement's Goals and Outcomes.

## THE PARTNERSHIP WILL:

- **Collaborate** to achieve the Goals and Outcomes of this Agreement.
- **Achieve Goals and Outcomes** in a timely way and at the least possible cost to the public.
- **Represent the interests of people** throughout the watershed fairly and effectively, including a broad diversity of cultures, demographics and ages.
- **Operate with transparency** in program decisions, policies, actions and reporting on progress to strengthen public confidence in our efforts.
- **Anticipate changing conditions**, including long-term trends in sea level, temperature, precipitation, land use and other variables.
- **Adaptively manage** at all levels of the Partnership to foster continuous improvement.
- **Seek consensus** when making decisions.
- **Use place-based approaches**, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.
- **Engage the public** to increase the number and diversity of people who support and carry

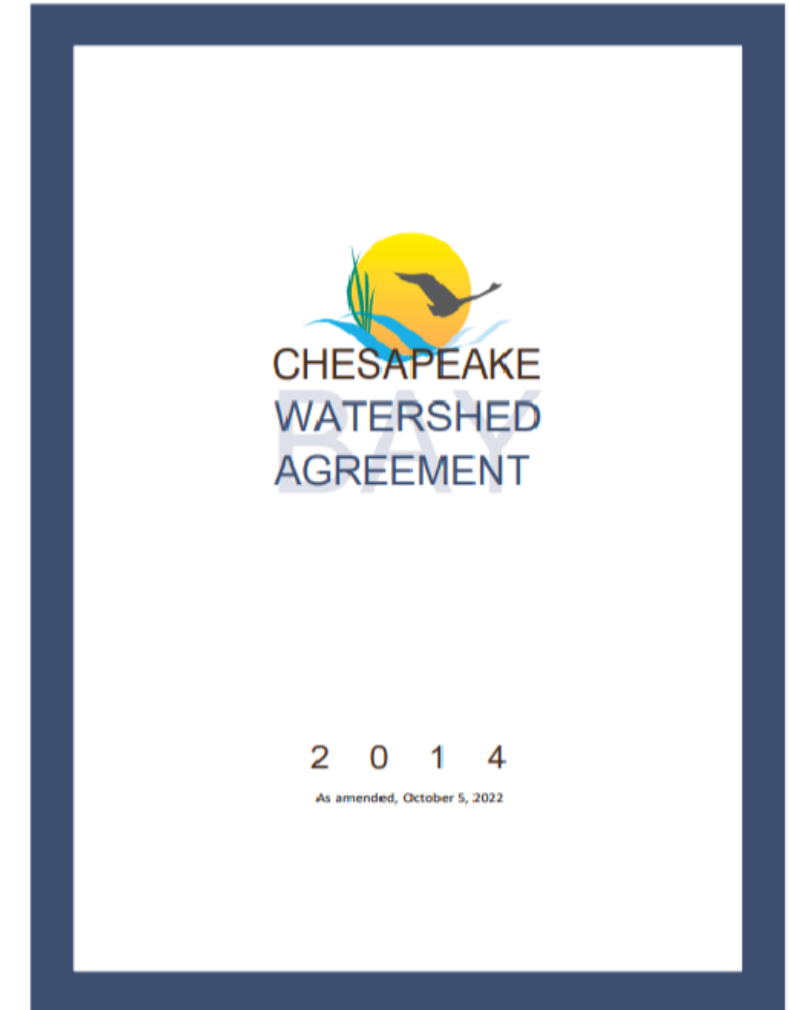
“Adaptively manage at all levels of the Partnership to foster continuous improvement.”



## Intended to be Amended

“As the signatories identify new opportunities and concerns, Goals or Outcomes may be adopted or modified. Any changes or additions to Goals will be approved by the Executive Council.

The Principals’ Staff Committee (PSC) will approve changes or additions to *Outcomes*, although significant changes or additions will be raised to the Executive Council for approval. Proposed changes to Goals and Outcomes or the addition of new ones will be open for **public input before being finalized.**”



Governance and Management Framework  
for the  
Chesapeake Bay Program



December 1, 2022

VIII. PROCESS FOR CHANGES TO THE 2014 CHESAPEAKE BAY WATERSHED AGREEMENT GOALS, OUTCOMES AND MANAGEMENT STRATEGIES:

“The signatories... realize the Goals and Outcomes identified in the Agreement are constantly changing, that the Agreement should be flexible enough to adapt to these changes and, therefore, included language in the Agreement allowing for the adoption or modification of Goals and Outcomes if warranted. **The following section describes the processes that the partnership will go through to implement such changes.**”

Goals: “...The EC makes the decision to approve revised or added Goals to the Agreement. **Changes or additions to the Goals will be approved by the EC.** Proposed changes to Goals or the addition of new Goals are open for public input before being finalized.

“The PSC must then decide if the revised/new Outcome is significant enough to warrant forwarding to the EC for final approval or if the PSC is comfortable approving the revised/new Outcome as final and informing the EC of their decision.

## Amended twice already

**P. 17 of Agreement:** “On January 24, 2020, the PSC approved the following modifications to three 2014 Watershed Agreement outcomes. **The PSC agreed that final approval of these edits to the original outcomes by the Executive Council was not necessary...**”

- Diversity
- Fish Passage
- Land Use Methods and Metrics

**P. 18.** “On October 11, 2022, the [EC] approved the following modifications to the 2014 Chesapeake Bay Watershed Agreement”... Replaced “Citizen” throughout

# AMENDMENTS TO GOALS AND OUTCOMES

As discussed on page 3 of this Watershed Agreement, the signatory partners recognized that:

“As the signatories identify new opportunities and concerns, Goals or Outcomes may be adopted or modified. Any changes or additions to Goals will be approved by the Executive Council. The Principals’ Staff Committee (PSC) will approve changes or additions to Outcomes, although significant changes or additions will be raised to the Executive Council for approval. Proposed changes to Goals and Outcomes or the addition of new ones will be open for public input before being finalized.”

On January 24, 2020, the PSC approved the following modifications to three 2014 Watershed Agreement outcomes. The PSC agreed that final approval of these edits to the original outcomes by the Executive Council was not necessary:

Diversity: “Identify stakeholder groups not currently represented in the leadership, decision-making or implementation of current conservation and restoration activities and create meaningful opportunities and programs to recruit and engage these groups in the Partnership’s efforts.”

Fish Passage: “Continually increase access to habitat to support sustainable migratory fish populations in the Chesapeake Bay watershed’s freshwater rivers and streams. By 2025, restore historical fish migration routes by opening an additional 132 miles every two years to fish passage. Restoration success will be indicated by the consistent presence of alewife, blueback herring, American shad, hickory shad, American eel and brook trout, to be monitored in accordance with available agency resources and collaboratively developed methods.”

Land Use Methods and Metrics: “Continually improve our knowledge of land conversion and the associated impacts throughout the watershed. By December 2021, develop a watershed-wide methodology and local-level metrics for characterizing the rate of farmland, forest and wetland conversion, measuring the extent and rate of change in impervious surface coverage and quantifying the potential impacts of land conversion to water quality, healthy watersheds and communities. Launch a public awareness campaign to share this information with local governments, elected officials and stakeholders.”



## AMENDMENTS TO ADDRESS USE OF THE WORD "CITIZEN"

On October 11, 2022, the Chesapeake Executive Council approved the following modifications to the 2014 Chesapeake Bay Watershed Agreement.

As signed by the Chesapeake Executive Council on August 18, 2020, the Statement in Support of Diversity, Equity, Inclusion, and Justice reaffirms the commitment of the Chesapeake Bay Program to the just and inclusive engagement of all communities living throughout the watershed. Recognizing that the word "citizen" is not inclusive of all who reside, work and recreate in the Chesapeake Bay watershed, the Chesapeake Executive Council approved the following modifications to address the use of the word "citizen" in the Chesapeake Bay Watershed Agreement.

Vision Statement: "The Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged ~~citizens~~ **and** stakeholders."

Preamble (page 1): "Local governments are key partners in our work, as ~~are individual citizens~~ **is the public**, businesses, watershed groups, and other non-governmental organizations.

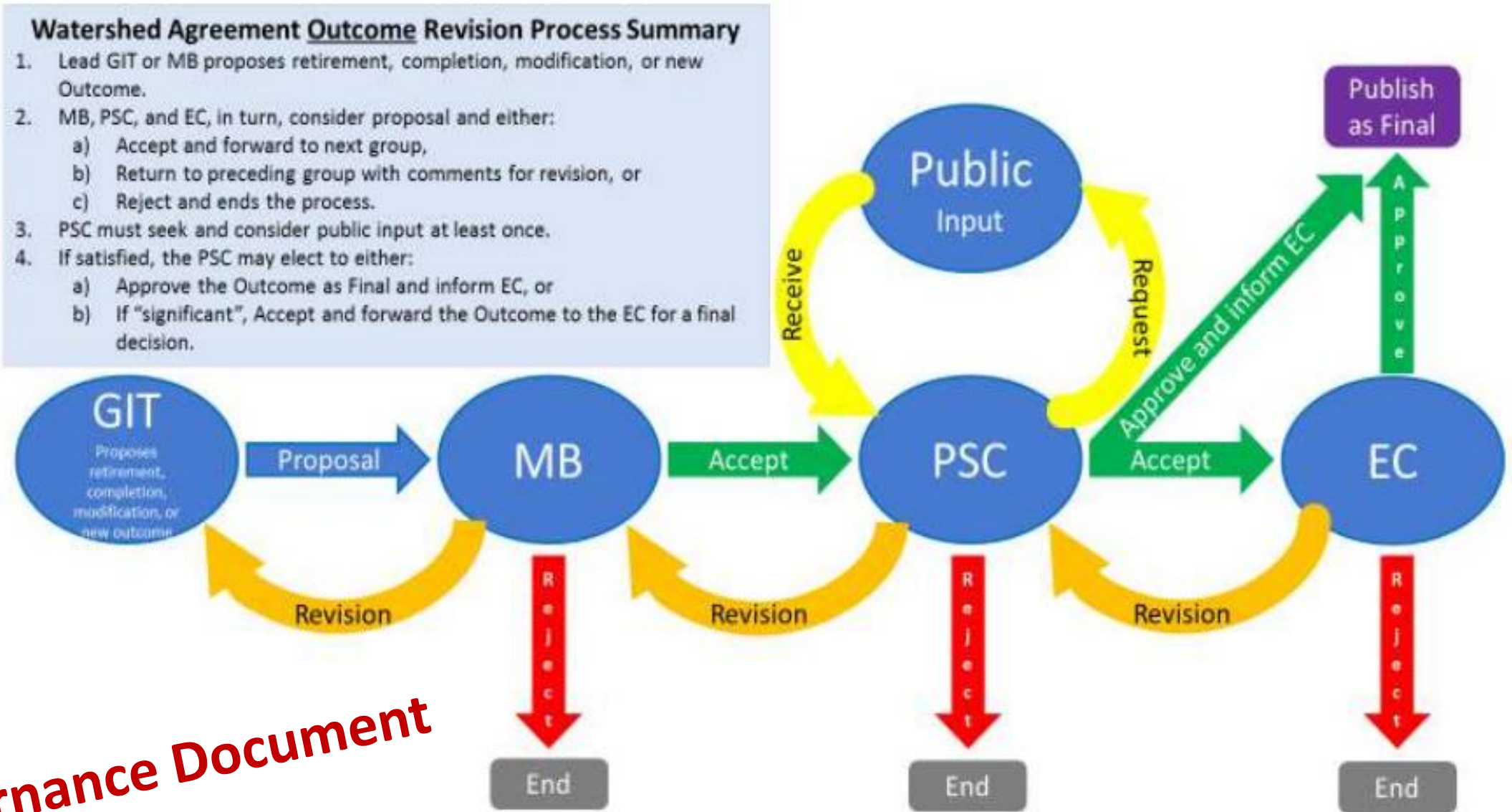
Principles (page 2): "**Achieve Goals and Outcomes** in a timely way and at the least cost to ~~our citizens~~ **the public**."

Principles (page 2): "**Engage** ~~citizens~~ **the public** to increase the number and diversity of people who support and carry out the conservation and restoration activities necessary to achieve the Goals and Outcomes of the Agreement."

Goals & Outcomes (page 3): "This work will require effort from many, including all levels of government, academic institutions, non-governmental organizations, watershed groups,



**Figure 3.** Process for proposing changes to the Agreement Outcomes



# AFFIRMATION

As Chesapeake Bay Program Partners, we 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.

As Chesapeake Bay Program Partners, we acknowledge that this Agreement is voluntary and subject to the availability of appropriated funds. This Agreement is not a contract or an assistance agreement. We also understand that this Agreement does not pre-empt, supersede or override any other law or regulation applicable to each signatory.

We, the undersigned members of the Chesapeake Executive Council, re-affirm 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. Everyone in this great watershed is invited to join with the Partnership, uniting as a region and embracing the actions that will lead to success.

For the Chesapeake Bay Commission



*Ronald E. Allen*

For the State of Delaware



*Jul Mahell*

For the District of Columbia



*Vincent S. Gray*

For the State of Maryland



*Arthur B. Slattery*

For the Commonwealth of Pennsylvania



*Tom Corbett*

For the State of New York



*Andrew Cuomo*

For the Commonwealth of Virginia



*Boyd R. Kistner*



