The New Chesapeake Watershed Agreement:

Affirming Our Commitment & Charting the Next Course

Principals' Staff Committee Meeting
September 24, 2013

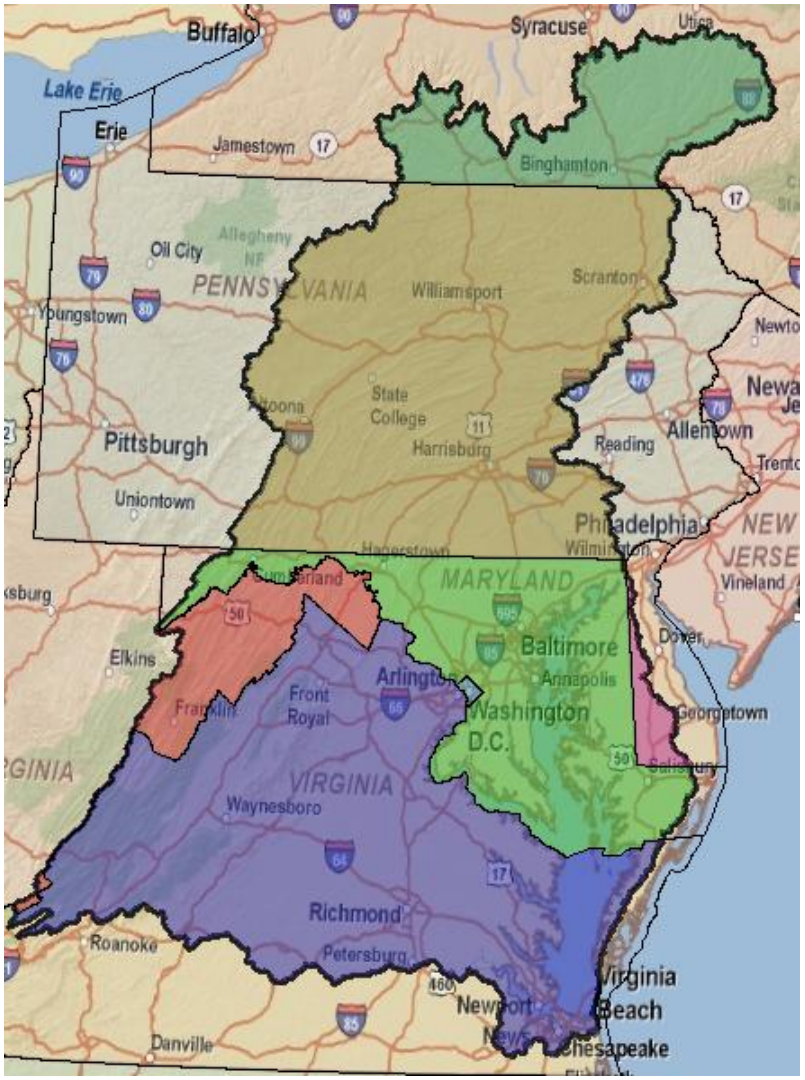
Carin Bisland, GIT 6 Vice Chair
Chesapeake Bay Program (EPA)

Chesapeake Bay Program
Science. Restoration. Partnership.

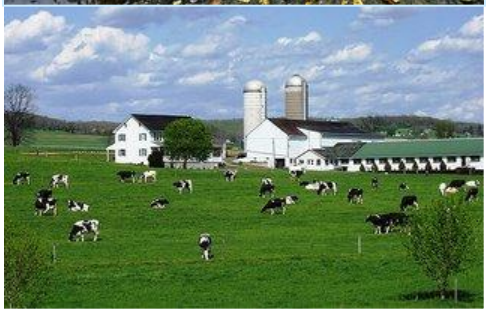
Why A New Partnership Agreement ?

The Next Generation Agreement:

- **Renews commitments & sets new goals**
- **Provides opportunity for full participation by the headwater states**
- **Updates science, governance and management techniques – i.e., climate change, adaptive management**
- **Improves coordination, integration & collaboration among the partners**
- **Harmonizes the EO and TMDL with the Partnership agreement and governance structures**



What will it do?



- **Simplify**
  - ✓ Clearer goals and more well defined outcomes than previous agreements
- **Be more flexible**
  - ✓ Use of adaptive management to adjust to changing conditions and circumstances
- **Improved transparency, tracking & accountability**
  - ✓ Partners set priorities & commit resources through management strategies

Development Framework

ALL goals, outcomes and strategies derived from the CBP Goal Teams –
issue experts & stakeholders from across the jurisdictions / watershed.

*CBP's Executive Council (EC) to "agree" on overarching **GOALS** & initial **OUTCOMES** for the partnership*
(This is the content of the new Watershed agreement)

*CBP's Principals' Staff Committee (PSC) to track **OUTCOMES** , ensuring they are measureable & achievable; adapting as needed*

*CBP's Management Board (MB) to manage and track the **STRATEGIES,** adapting them as necessary over time for success*

Resource managers and decision makers will be guided by the strategies while retaining some flexibility to implement the practices that make the most sense for their region.

Development Bodies

Goal Implementation Teams (GITs)	Goals and Outcomes
Editorial Board (EB)	Participatory Language
Issues Resolution Committee (IRC)	Unresolved Issues
Management Board (MB), Principals' Staff Committee (PSC)	Set direction Recommend and approve language for including in new Agreement
Executive Council (EC)	Sign Final Agreement

June PSC Meeting

- Agreed to an annotated Agreement for public and stakeholder review
  - Included Framework of new Agreement
  - Included goals/outcomes and additional issues for consideration

- Targeted October 2013 for EC meeting to sign new Agreement
  - Management Board, with PSC permission, extended timeline to December 2013 for EC meeting

Development Timeline

Management Board	July 11
2-hour Stakeholder comment session	
Stakeholder Comment Pd 1	July 10 – Aug 15
Management Board	Aug 8
Management Board	Sept 12
PSC	Sept 24
Issue Draft – Stakeholder Comment Pd 2	*Oct 1 – Nov 1*
PSC/FLCD Combined	Oct 10
2-hour Stakeholder comment session	
Revised Draft to PSC for approval	*Oct 30*
MB/PSC/FLCD Combined	Nov 6
Final Agreement to Executive Council	*Nov 15*
Executive Council Meeting and Agreement Signature	**December 12**

**All CBP meetings are open to the public

Public Comments on Initial Draft

- Management Board — July 11
  - 2-hour Stakeholder comment session

- **Stakeholder Comment Pd 1 — July 10 – Aug 15**
  - **25 comments received on ChesapeakeBay.net during the first public comment period**
  - **23 formal letters received from organizations and individuals** (posted online)
  - http://www.chesapeakebay.net/chesapeakebaywatershedagreement

- *Issue Draft – Stakeholder Comment Pd 2* — *Oct 1 – Nov 1*
- PSC/FLCD Combined — Oct 10
  - *2-hour Stakeholder comment session*

Stakeholder Letters Received

Alliance for the Chesapeake Bay, Albert H. Todd

West Virginia Rivers Coalition, Angela Rosser

City of Lancaster, J. Richard Gray

Choose Clean Water Coalition

Alyce Ortuzar, Private Citizen

Trout Unlimited, Kevin Anderson

Metropolitan Washington Council of Governments, Penelope A. Gross

State Water Quality Advisory Committee, Terry R. Matthews

Chesapeake Bay Foundation, Kim Coble

Otsego County Soil and Water Conservation District, Scott Fickbohm

Virginia Association of Municipal Wastewater Agencies, Robert C. Steidel

Virginia Municipal Stormwater Association, Randy Bartlett

Maryland Association of Municipal Wastewater Agencies, Julie Pippel

Storm Water Association of Maryland, Tim Whittie

Chesapeake Bay Trust, Jana Davis

Mattawoman Watershed Society, Jim Long

Virginia Institute of Marine Science, Mark Luckenbach

American Rivers, Liz Deardorff

Comment Registry and Response Summary

- **Comment Registry**
  - All comments from Signatories, GIT Chairs, Advisory Committees, Federal partners.
  - All comments received from stakeholder organizations and the public.
  - Shows comment, who issued the comment, group assigned to consider the comment, and the group's resolution.
- **"Goals and Outcomes Comment Summary, Resolutions, and Revisions"**
  - Lists all goals and outcomes that received comments, and denotes whether or not a change was made.
  - Shows the original goal or outcome issued for the first comment period, comment summary, team resolution, and revisions.

Stakeholder &Public Comments on Initial Draft

Overarching Comment	Program Response
More time to review drafts	Added more time to preliminary review.
More content in drafts for review	Extended timeline to December, added 30 day review period for full draft Agreement.
Avoid duplication and redundancy	Editorial Board addressed in revised draft.
Key outcomes missing under goals	GITs considered how to address suggestions for additional outcomes.
Add deadline dates and achievable metrics	Outcomes revised by GITs to address concerns.
Address differences between WIPs and Agreement outcomes	Editorial Board addressed in revised draft.
Management strategies seem “optional”	Language added in draft to address concern.
Specifically mention the TMDL and WIPs	Management Board directed the Editorial Board to address in revised draft.
Very strong stakeholder support for local leadership, toxic contaminants, environmental literacy, and land use.	Revised outcomes developed for PSC consideration & resolution.

Rules of Engagement

- Only bringing forward new or changed language
- Focus on big concepts and policy issues (the Editorial Board will wordsmith or help clarify)
- Will use the "9 signatories only" voting approach
- Super majority carries the issue (7 out of 9)
  - since management strategies will be developed
  - Issue will move forward in the draft for public comment
- Only one vote for federal agencies –
  - Lead agency on issue will place the vote (e.g. NOAA for fisheries; Fish & Wildlife for habitat; EPA for water quality, etc.)

Issues Resolution Committee Recommendations for PSC Approval

Issue	Resolution/Recommendation
Conowingo Dam	Not included
Fracking	Not included
Climate Change	Not included
Land Use	8 of 9 IRC signatory members supported the inclusion of two outcomes under the land conservation goal to address farm and forest land conversion and change in impervious surface cover.
Toxic Contaminant Outcomes	8 of 9 IRC signatory members supported a toxics reduction outcome in addition to the research outcome already approved by the MB.
Outcomes vs. Measuring Progress/Status	Referred to the EB.
Data Management / Verification	Referred to EB.

Issues Resolution Committee Recommendations for PSC Approval

Issue	Resolution/Recommendation
Management Strategies / Partner Participation	Referred to EB with no change to PSC-approved language.
Operational Commitments	Referred to the EB.
Communications / Outreach	Referred to the EB.
Social / Economic Indicators	Language drafted by Social Science Action Team Co-chairs and sent to the EB.
Independent Evaluation	IRC discussed on the 9/4 call and the inclusion of independent evaluation language in the Agreement was not supported by the IRC members.
Monitoring / Modeling	Referred to the EB for inclusion in Operational Commitments.

Issues For PSC Resolution for Full Agreement Draft Stakeholder Review

- Scope of Vision
- Management Strategies
  - Level of Support - Signatory Discretion
- Goals, Outcomes, Management Strategies
  - Alternative Structure
- New & Revised Outcomes
- Commitment to Adaptive Management

Vision

Issue: The vision has a broad focus that goes beyond water quality and living resources. (Typically, *vision* is intended to serve as a guide for choosing current and future courses of action. A *mission* identifies an organization's core purpose and focus.)

Current Vision*: "The Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and heritage, and a diversity of engaged citizens and stakeholders." (p. 2, paragraph 2)*

For Consideration: How far reaching should the "vision" be? Should it reflect more than *just the ecological value* of the bay i.e., also the cultural, historic and recreational value of the entire watershed?

Options:

1. The vision should focus only on the ecological value of the Bay.
2. The vision should focus on both the ecological value of the Bay as well as the cultural, historic and recreational value of the entire watershed.

Management Strategy Elements

Elements

- Outcome
- Partners involved
- Factors influencing ability to meet goal
- Current efforts and gaps
- Management Approach
- Monitoring Progress
- Assessing Progress
- Adaptively Manage

GOAL

↓

OUTCOME

↓

Management Strategy

- **Developed by GITs; built with stakeholder input**
- **Approved by MB**
- **Evaluated biennially**
- **Progress tracked thru ChesapeakeStat**

Management Strategies – Level of Support

Original Statement of Signatory Discretion: The commitments contained herein represent the set of goals and outcomes we the signatories collectively will work on to advance restoration and protection of the Chesapeake Bay ecosystem and its watershed. Each signatory, at its discretion, will indicate its level of participation in the Management Strategies developed to implement the outcomes 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 Management Strategies as circumstances warrant.

Management Strategies – Level of Support

Issue: Public comments on the topic were weighted heavily on the side of **not** giving discretion to the signatories. The language was moved from the goals/outcomes section to the new "Management Strategy Development and Implementation" section, and the bracketed language was added.

Current Statement of Discretion: *"*[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…" (p. 7, paragraph 2)*

For Consideration: Is this language correctly worded for all jurisdictions? Are any changes needed?

Options:

1. No changes needed. Jurisdictions should have discretion to indicate level of participation in the management strategies.
2. Changes needed. Make more prominent in document by placing in Preamble.

Goals, Outcomes, Management Strategies Alternative Structure

- Current draft: "Management strategies will be developed to implement **each** of the outcomes contained in this agreement."
- Currently, 30 "outcomes" in the draft agreement
- Some outcomes may not merit development of a management strategy but are instead actions or products that might be included *in* a management strategy:
    - Governance: "*Update governance guidelines*"
    - *Toxic Contaminants Reduction: Identify and implement practices to reduce loadings of PCBs and mercury… Develop a baseline in metrics by 2016.*

Goals, Outcomes, Management Strategies Alternative Structure

Does the Partnership want to minimize the number of management strategies? If yes, how?

If management strategies are developed for only some outcomes, how will it be explained to the public?

Goals, Outcomes, Management Strategies Alternative Structure

Option 1

Develop management strategies for each GOAL

- How would jurisdictions identify level of support for individual outcomes within the goal?

Goals, Outcomes, Management Strategies Alternative Structure

Option 2

Use different nomenclature:

2a. Environmental Outcomes and Outcomes

or

2b. Goals, Outcomes and Commitments

Goals, Outcomes, Management Strategies Alternative Structure

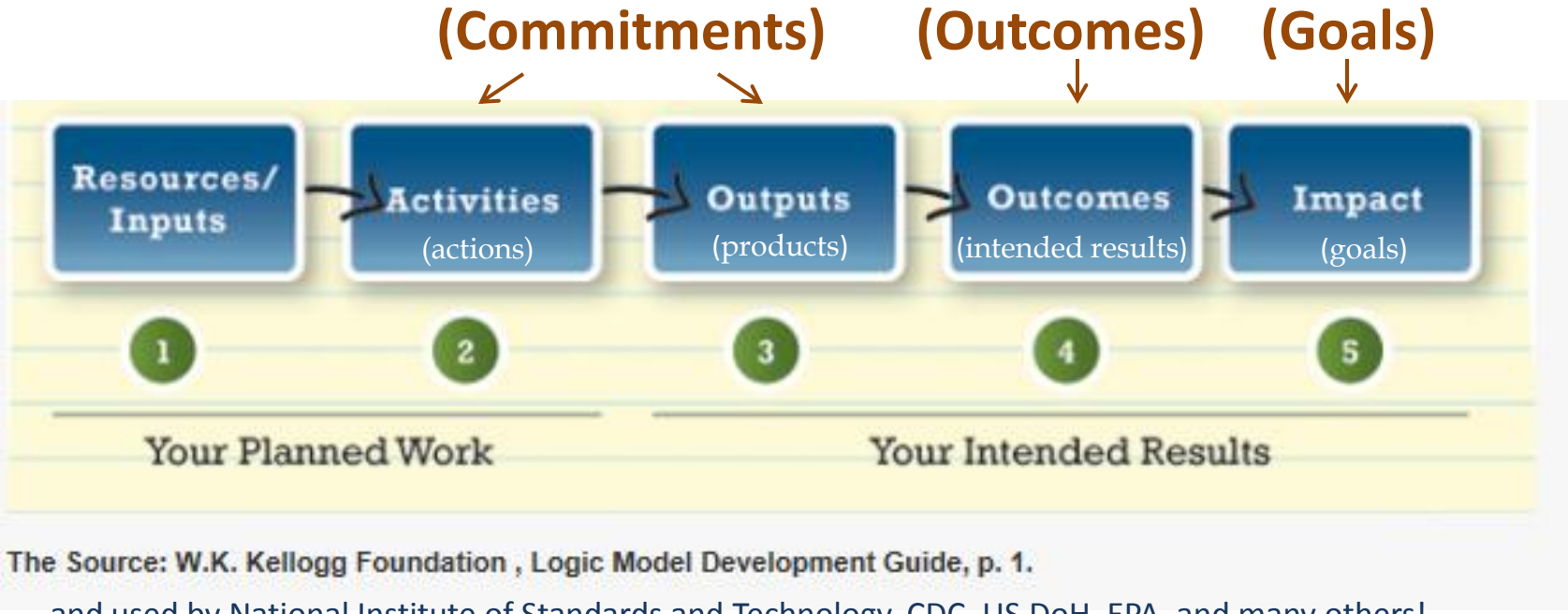
Option 2a – example

- **<u>Water Quality Goal</u>:** Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the bay and its tributaries and protect human health.
  - ***Environmental Outcomes:***
    - ***2017 Watershed Implementation Plans (WIP):*** By 2017, have practices and controls in place that are expected to achieve 60% of….
    - ***2025 WIP***: By 2025, have all practices and controls installed to achieve… standards as articulated in the Chesapeake Bay [TMDL].
  - ***Outcomes:***
    - ***Toxic Contaminants Research:*** Assess planned research opportunities for new research to improve knowledge…. by 2015.
    - ***Toxic Contaminants Reduction:*** Identify practices and an implementation schedule by 2025 to reduce loadings of PCBs and mercury….

Goals, Outcomes, Management Strategies Alternative Structure

Option 2b - Background

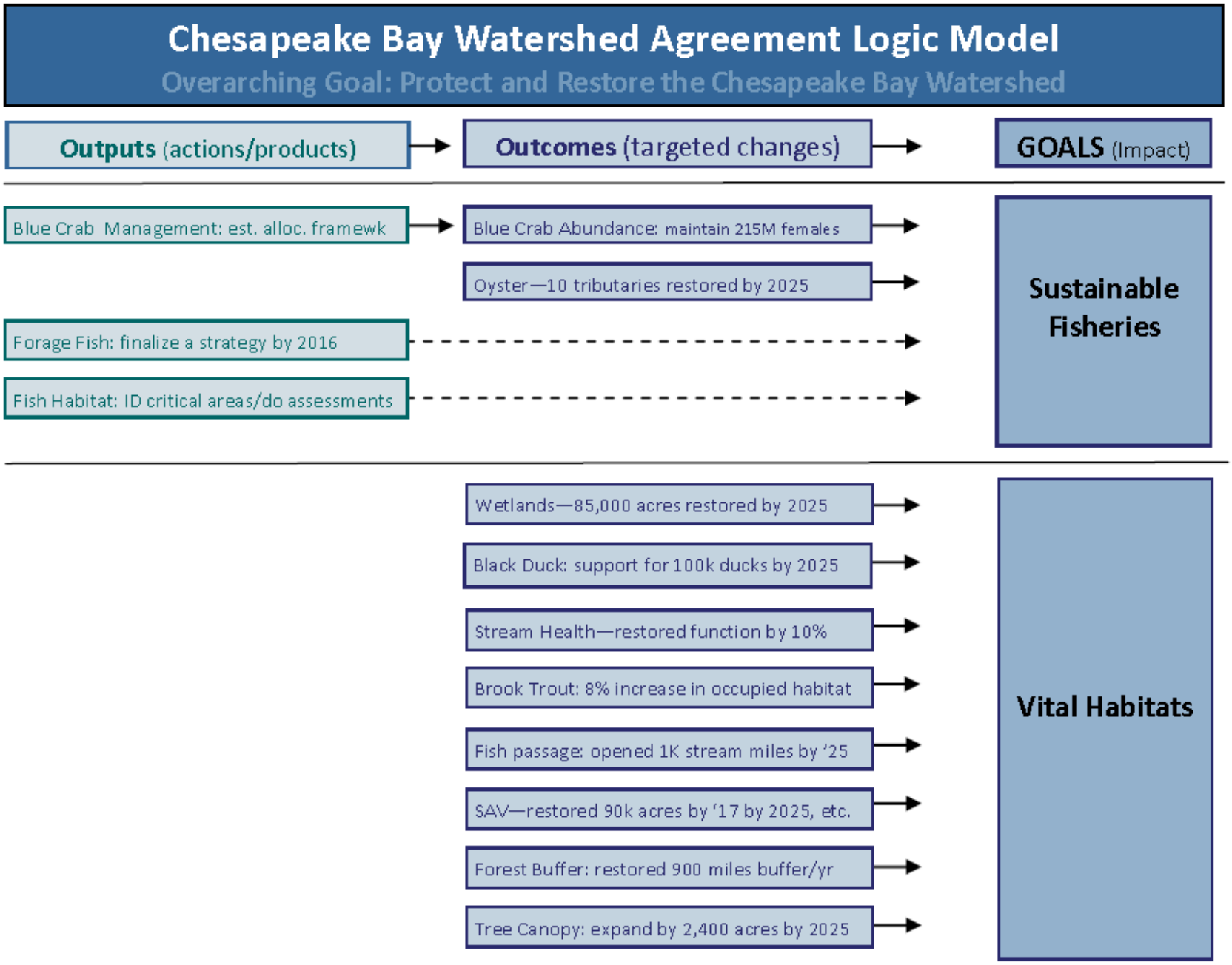
- CBP is a scientific organization and should use science-based tools to help manage strategically and evaluate effectiveness.
- "Goals/Outcomes/Commitments" follow the basic **logic model** construct:



The Source: W.K. Kellogg Foundation , Logic Model Development Guide, p. 1.

….and used by National Institute of Standards and Technology, CDC, US DoH, EPA, and many others!

Option 2b - Background



1987 Agreement

LIVING RESOURCES

GOAL: *PROVIDE FOR THE RESTORATION AND PROTECTION OF THE LIVING RESOURCES, THEIR HABITATS AND ECOLOGICAL RELATIONSHIPS.* The productivity, diversity and abundance of living resources are the best ultimate measures of the Chesapeake Bay's condition. These living resources are the main focus of the restoration and protection effort. Some species of shellfish and finfish are of immense commercial and recreational value to man. Others are valuable because they are part of the vast array of plant and animal life that make up the Chesapeake Bay ecosystem on which all species depend. We recognize that the entire natural system must be healthy and productive. We will determine the essential elements of habitat and environmental quality necessary to support living resources and will see that these conditions are attained and maintained. We will also manage the harvest of and monitor populations of commercially, recreationally and ecologically valuable species to ensure sustained, viable stocks. We recognize that to be successful, these actions must be carried out in an integrated and coordinated manner across the whole Bay system.

OBJECTIVES:

- ◊ Restore, enhance, protect and manage submerged aquatic vegetation.
- ◊ Protect, enhance and restore wetlands, coastal sand dunes, forest buffers and other shoreline and riverline systems important to water quality and habitat.
- ◊ Conserve soil resources and reduce erosion and sedimentation to protect Bay habitat.
- ◊ Maintain freshwater flow regimes necessary to sustain estuarine habitats, including, where appropriate, establishing minimum in-stream flows.
- ◊ Develop compatible Bay-wide stock assessment programs.
- ◊ Develop Bay-wide fisheries management strategies and develop complementary state programs and plans to protect and restore the finfish and shellfish stocks of the Bay, especially the freshwater and estuarine spawners.
- ◊ Provide for the restoration of shellfish stocks in the Bay, especially the abundance of commercially important species.
- ◊ Restore, enhance and protect waterfowl and wildlife.

COMMITMENT:

TO ACHIEVE THIS GOAL WE AGREE:

- ◊ by *January 1988,* to develop and adopt guidelines for the protection of water quality and habitat conditions necessary to support the living resources found in the Chesapeake Bay system, and to use these guidelines in the implementation of water quality and habitat protection programs.
- ◊ by *July 1988,* to develop, adopt and begin to implement a Bay-wide plan for the assessment of commercially, recreationally and selected ecologically valuable species.
- ◊ by *July 1988,* to adopt a schedule for the development of Bay-wide resource management strategies for commercially, recreationally and selected ecologically valuable species.
- ◊ by *July 1989,* to develop, adopt and begin to implement Bay-wide management plans for oysters, blue crabs and American Shad. Plans for other major commercially, recreationally and ecologically valuable species should be initiated by 1990.
- ◊ by *December 1988,* to develop a Bay-wide policy for the protection of tidal and non-tidal wetlands.
- ◊ Provide for fish passage at dams, and remove stream blockages wherever necessary to restore natural passage for migratory fish.

Goals, Outcomes, Management Strategies Alternative Structure

Option 2b – example

- **<u>Water Quality Goal</u>:** 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….
  - ***2025 WIP Outcome***: By 2025, have all practices and controls installed to achieve… standards as articulated in the Chesapeake Bay [TMDL].
  - ***Toxic Contaminants Research Commitment :*** Assess planned research opportunities for new research to improve knowledge…. by 2015.
  - ***Toxic Contaminants Reduction Commitment:*** Identify practices and an implementation schedule by 2025 to reduce loadings of PCBs and mercury…

REVISIONS TO GOALS AND OUTCOMES

FROM COMMENT PD 1 VERSIONS

<u>Sustainable Fisheries Goal</u>: 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.

Orig (comment pd 1 version)

• ***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.

• ***Oyster Outcome***: Restore native oyster habitat and populations in _tributaries by 2025.

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.

- ***Wetlands Outcome***: Restore a total of 75,000 acres of tidal and non-tidal wetlands, primarily on resource and agricultural lands, and enhance function of an additional 150,000 acres of degraded wetlands.
  - ***Black Duck***: Restore wetland habitats to support a wintering black duck population in the watershed of 100,000 birds by 2025.

Orig (comment pd 1 version)

- ***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.
  - ***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.

- ***Fish Passage Outcome***: 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 Alewife, Blueback herring, American shad, Hickory shad, American eel and/or Brook Trout.

- ***Submerged Aquatic Vegetation Outcome***: Achieve and sustain the ultimate outcome of 185,000 acres of SAV Bay-wide. This will be demonstrated by having ________% of Bay segments achieving and sustaining their segment acreage targets for SAV by 2025

- ***Forestry 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 urban tree canopy by 1,000

<u>Water Quality Goal</u>: 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 Plan (WIP) Outcome***: Have practices and controls in place by 2017 that are expected to achieve 60% of the load reductions necessary to achieve applicable water quality standards compared to 2009 levels.

- ***2025 WIP Outcome***: Have all practices and controls installed by 2025 to achieve the Bay's DO, water clarity/SAV, and chlorophyll a standards.

Orig (comment pd 1 version)

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

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

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.

Orig (comment pd 1 version)

- ***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).

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:*** Increase public access by adding 300 new public access sites by 2025 (from the 2010 baseline).

Additional Issues for Consideration

This list represents issues on which the partnership has not reached consensus for including in the Agreement as a goal or outcome. Pending further consideration by the partnership (including the Issues Resolution Committee), these issues may be included in the final Agreement in some fashion (i.e. as a goal, outcome, operational commitment or element in the management strategies)

Orig (comment pd 1 version)

- Toxic contaminants
- Agricultural conservation
- Climate change
- Environmental literacy
- Forage fish
- Crab catch share
- Sound land use planning
- Removing barriers to implementation
- Stewardship
- Empowering, engaging and facilitating local leadership
- Social/Economic indicators
- Cost-minimization/effectiveness consideration
- Data collection, verification and transparency

ADAPTIVE MANAGEMENT

Timeline – reminder of sched, upcoming dates?