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1987 CHESAPEAKE BAY AGREEMENT

FINAL DRAFT
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U.S. EPA
Annexure
State of Maryland
Chesapeake Bay

CHESAPEAKE BAY AGREEMENT

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1987 CHESAPEAKE BAY AGREEMENT

The Chesapeake Bay is a national treasure and a resource of worldwide significance. Its ecological, economic, and cultural importance are felt far beyond its waters and the communities that line its shores. Man's use and abuse of its bounty, however, together with the continued growth and development of population in its watershed, have taken a toll on the Bay system. In recent decades, the Bay has suffered serious declines in quality and productivity.

Representing the Federal government and the States which surround the Chesapeake Bay, we acknowledge our stake in the resources of the Bay and accept our share of responsibility for its current condition. We are determined that this decline will be reversed. In response, all of our jurisdictions have embarked on ambitious programs to protect our shared resource and restore it to a more productive state.

In 1980, the legislatures of Virginia and Maryland established the Chesapeake Bay Commission to coordinate interstate planning and programs from a legislative perspective. In 1985, Pennsylvania joined the Commission. And, in 1983, Virginia, Maryland, Pennsylvania, the District of Columbia, the U.S. Environmental Protection Agency, and the Chesapeake Bay Commission formally agreed to a cooperative approach to this undertaking and established specific mechanisms for its coordination. Since 1983, our joint commitment has carried us to new levels of governmental cooperation and scientific understanding. It has formed a firm base for the future success of this long-term program. The extent and complexity of our task now call for an expanded and refined agreement to guide our efforts toward the twenty-first century.

Recognizing that the Chesapeake Bay's importance transcends regional boundaries, we commit to managing the Chesapeake Bay as an integrated ecosystem and pledge our best efforts to achieve the goals in this Agreement. We propose a series of objectives that will establish a policy and institutional framework for continued cooperative efforts to restore and protect Chesapeake Bay. We further commit to specific actions to achieve those objectives. The implementation of these commitments will be reviewed annually and additional commitments developed as needed.

GOALS AND PRIORITY COMMITMENTS

This new Agreement contains Goals and Priority Commitments for Living Resources; Water Quality; Population Growth and Development; Public Information, Education and Participation; Public Access; and Governance.

The parties to this 1987 Agreement are the U.S. Environmental Protection Agency, representing the Federal government, the District of Columbia, the State of Maryland, and the Commonwealths of Pennsylvania and Virginia (hereinafter the "States"), and the Chesapeake Bay Commission. This Agreement may be amended and attachments added in the future by unanimous action of the Chesapeake Executive Council.

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 makes 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:

- LRO-01 o Restore, enhance, protect and manage submerged aquatic vegetation.
- LRO-02 o Protect, enhance, and restore wetlands, coastal sand dunes, forest buffers and other shoreline and riverine systems, important to water quality and habitat.
- LRO-03 o Conserve soil resources and reduce erosion and sedimentation to protect Bay habitat.
- LRO-04 o Maintain freshwater flow regimes necessary to sustain estuarine habitats, including, where appropriate, establishing minimum in-stream flows.
- LRO-05 o Develop compatible Bay-wide stock assessment programs.
- LRO-06 o 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.
- LRO-07 o Provide for the restoration of shellfish stocks in the Bay, especially the abundance of commercially important species.
- LRO-08 o Restore, enhance and protect waterfowl and wildlife.

COMMITMENT: To achieve this goal we agree:

- LRC-01 o 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.
- LRC-02 o 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.
- LRC-03 o by July 1988, to adopt a schedule for the development of Bay-wide resource management strategies for commercially, recreationally and selected ecologically valuable species.
- LRC-04 o 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.
- LRC-05 o by December 1988, to develop and begin to implement a Bay-wide policy for the protection of tidal and non-tidal wetlands.
- LRC-06 o to provide for fish passage at dams, and remove stream blockages wherever necessary to restore passage for migratory fish.

WATER QUALITY

GOAL: REDUCE AND CONTROL POINT AND NONPOINT SOURCES OF POLLUTION TO ATTAIN THE WATER QUALITY CONDITION NECESSARY TO SUPPORT THE LIVING RESOURCES OF THE BAY.

The improvement and maintenance of water quality are the single most critical elements in the overall restoration and protection of the Chesapeake Bay. Water is the medium in which all living resources of the Bay live, and their ability to survive and flourish is directly dependent on it.

To ensure the productivity of the living resources of the Bay, we must clearly establish the water quality conditions they require and must then attain and maintain those conditions. Foremost, we must improve or maintain dissolved oxygen concentrations in the Bay and its tributaries through a continued and expanded commitment to the reduction of nutrients from both point and nonpoint sources. We must do the same for toxics and conventional pollutants. To be effective, we will develop basin-wide implementation plans for the control and reduction of pollutants.

which are based on our best understanding (including that derived from modeling) of the Bay and its tributaries as an integrated system.

OBJECTIVES:

- WQO-01o Provide timely construction and maintenance of public and private sewerage facilities to assure control of pollutant discharges.
- WQO-02o Reduce the discharge of untreated or inadequately treated sewage into Bay waters from such sources as combined sewer overflows, leaking sewage systems, and failing septic systems.
- WQO-03o Evaluate and institute, where appropriate, alternative technologies for point source pollution control, such as biological nutrient removal and land application of effluent to reduce pollution loads in a cost-effective manner.
- WQO-04o Establish and enforce pollutant limitations to ensure compliance with water quality laws.
- WQO-05o Reduce the levels of nonpoint sources of pollution.
- WQO-06o Reduce sedimentation by strengthening enforcement of existing sediment control regulations.
- WQO-07o Eliminate pollutant discharges from recreational boats.
- WQO-08o Identify and control toxic discharges to the Bay system, including metals and toxic organics, to protect water quality, aquatic resources and human health through implementation and enforcement of the states' National Pollutant Discharge Elimination System permit programs and other programs.
- WQO-09o Reduce chlorine discharges in critical finfish and shellfish areas.
- WQO-10o Minimize water pollution incidents and provide adequate response to pollutant spills.
- WQO-11o Manage sewage sludge, dredged spoil and hazardous wastes to protect the Bay system.
- WQO-12o Manage groundwater to protect the water quality of the Bay.
- WQO-13o Quantify the impacts and identify the sources of atmospheric inputs on the Bay system.

COMMITMENT: To achieve this goal we agree:

- WQC-01o by July 1988, to develop, adopt, and begin implementation of

a basin-wide strategy to equitably achieve by the year 2000 at least a 40 percent reduction of nitrogen and phosphorus entering the main stem of the Chesapeake Bay. The strategy should be based on agreed-upon 1985 point source loads and on nonpoint loads in an average rainfall year.

by December 1991, to re-evaluate the 40 percent reduction target based on the results of modeling, research, monitoring and other information available at that time.

WQC-02 o by December 1988, to develop, adopt, and begin implementation of a basin-wide strategy to achieve a reduction of toxics consistent with the Water Quality Act of 1987 which will ensure protection of human health and living resources. The strategy will cover both point and nonpoint sources, monitoring protocols, enforcement of pretreatment regulations and methods for dealing with in-place toxic sediments where necessary.

WQC-03 o by July 1988, to develop and adopt a basin-wide implementation strategy for the management and control of conventional pollutants as required by the Water Quality Act of 1987, entering the Chesapeake Bay system from point and nonpoint sources.

WQC-04 o by July 1988, the Environmental Protection Agency, acting for the federal government, will develop, adopt, and begin implementation of a strategy for the control and reduction of point and nonpoint sources of nutrient, toxic, and conventional pollution from all federal facilities.

POPULATION GROWTH AND DEVELOPMENT

GOAL: PLAN FOR AND MANAGE THE ADVERSE ENVIRONMENTAL EFFECTS OF HUMAN POPULATION GROWTH AND LAND DEVELOPMENT IN THE CHESAPEAKE BAY WATERSHED.

There is a clear correlation between population growth and associated development and environmental degradation in the Chesapeake Bay system. Enhancing, or even maintaining, the quality of the Bay while accommodating growth will frequently involve difficult decisions and restrictions and will require continued and enhanced commitment to proper development standards. The States and the Federal government will assert the full measure of their authority to mitigate the potential adverse effects of continued growth.

Local jurisdictions have been delegated authority over many decisions regarding growth and development which have both direct and indirect effects on the Chesapeake Bay system and its living resources. The role of local governments in the restoration and

protection effort will be given proper recognition and support through State and Federal resources.

States will engage in an active partnership with local governments to establish policy guidelines to manage growth and development.

OBJECTIVES:

- PGO-01o Designate a state-level office responsible for ensuring consistency with this Agreement among the agencies responsible for comprehensive oversight of development activity, including infrastructure planning, capital budgets, land preservation, and waste management activities.
- PGO-02o Provide local governments with financial and technical assistance to continue and expand their management efforts.
- PGO-03o Consult with local government representatives in the development of Chesapeake Bay restoration and protection plans and programs.
- PGO-04o Identify and give public recognition to innovative and otherwise noteworthy examples of local government restoration and protection-related programs.
- PGO-05o Assure that government development projects meet all environmental requirements.
- PGO-06o Promote, among local, State, and federal governments, and the private sector, the use of innovative techniques to avoid and, where necessary, mitigate the adverse impacts of growth.

COMMITMENT: To achieve this goal, we agree:

- o PGC-01 to commission a panel of experts to report by December 1988, on anticipated population growth and land development patterns in the Bay region through the year 2020, the infrastructure requirements necessary to serve growth and development, environmental programs needed to improve Bay resources while accommodating growth, alternative means of managing and directing growth, and alternative mechanisms for financing governmental services and environmental controls. The panel of experts will consist of twelve members: three each from Virginia, Maryland, and Pennsylvania, and one each from the District of Columbia, Environmental Protection Agency, and the Chesapeake Bay Commission.
- o PGC-02 by January 1989, to adopt development policies and guidelines designed to reduce adverse impacts on the water quality and living resources of the Bay, including minimum best management practices for development and to cooperatively assist local governments in evaluating land-use and

development decisions within their purview, consistent with the policies and guidelines.

- PGC-03 o to evaluate state and federal development projects in light of their potential impacts on the water quality and living resources of the Chesapeake Bay, and design and carry out each State and Federal development project so as to serve as a model for the private sector in terms of land use practices.
- PGC-04 o by December 1988, to develop a strategy to provide incentives, technical assistance and guidance to local governments to actively encourage them to incorporate protection of tidal and non-tidal wetlands and fragile natural areas in their land-use planning, water and sewer planning, construction, and other growth-related management processes.

PUBLIC INFORMATION, EDUCATION AND PARTICIPATION

GOAL: PI GREATER UNDERSTANDING AMONG
CITIZENS ABOUT THE CHESAPEAKE BAY SYSTEM, THE
PROBLEMS FACING IT, AND POLICIES AND PROGRAMS
DESIGNED TO HELP IT, AND TO FOSTER INDIVIDUAL
RESPONSIBILITY AND STEWARDSHIP OF THE BAY'S
RESOURCES.

GOAL: PROVIDE INCREASED OPPORTUNITIES FOR
CITIZENS TO PARTICIPATE IN DECISIONS AND PROGRAMS
AFFECTING THE BAY.

The understanding and support of the general public and interests groups are essential to sustaining the long-term commitment to the restoration and protection of the Chesapeake Bay system and its living resources. Citizens must have opportunities to learn about that system and associated management policies and programs and must be given opportunities to contribute ideas about how best to manage that natural system.

OBJECTIVES:

- PI0-01 o Provide timely information on the progress of the restoration program.
- PI0-02 o Assure a continuing process of public input and participation in policy decisions affecting the Bay.
- PI0-03 o Enhance Bay-oriented education opportunities to increase public awareness and understanding of the Bay system.
- PI0-04 o Provide curricula and field experiences for students.
- PI0-05 o Promote opportunities to involve citizens directly in Bay

restoration efforts.

- PI0-06 o Coordinate the production and distribution of Bay information and education materials.

COMMITMENT: To achieve these goals, we agree:

- PIC-01 o to conduct coordinated education and information programs to inform the general public, local governments, business, students, community associations, and others of their roles, responsibilities, and opportunities in the restoration and protection effort, and to promote public involvement in the management and decision-making process.
- PIC-02 o to provide for public review and comment on all implementation plans developed pursuant to this agreement.
- PIC-03 o by March 1988, to develop state and federal communication plans for public information, education, and participation, and by May 1988, to develop a unified, Bay-wide communication plan.
- PIC-04 o to promote Chesapeake Bay restoration efforts by establishing an annual Bay-wide series of Chesapeake Bay Watershed Awareness events, to include a Governors' Cup Fishing Tournament.

PUBLIC ACCESS

GOAL: PROMOTE INCREASED OPPORTUNITIES FOR PUBLIC APPRECIATION AND ENJOYMENT OF THE BAY AND ITS TRIBUTARIES.

Interest in and commitment to the Chesapeake Bay and its tributaries are greatly affected by personal contact with that natural system. Consequently, improved opportunities for access to the shores and waters of the system are essential if public awareness and support are to be maintained and increased.

OBJECTIVES:

- PA0-01 o Improve and maintain access to the Bay including public beaches, parks and forested lands.
- PA0-02 o Improve opportunities for recreational and commercial fishing.
- PA0-03 o Secure shoreline acreage to maintain open space and provide opportunities for passive recreation.

- PAO-04 o Secure necessary acreage to protect unique habitat and environmentally sensitive areas.

COMMITMENT: To achieve this goal we agree:

- PAC-01 o to intensify our efforts to improve and expand public access opportunities being made available by the Federal government, the States, and local governments, by developing a strategy, which includes an inventory of current access opportunities by July 1988, which targets state and federal actions to secure additional tidal shorefront acres by December 1990 along the Bay and its tributaries.
- PAC-02 o by December 1988, to prepare a comprehensive guide to access facilities and the natural resource system for the tidal Chesapeake Bay.

GOVERNANCE

GOAL: SUPPORT AND ENHANCE THE PRESENT COMPREHENSIVE, COOPERATIVE, AND COORDINATED APPROACH TOWARD MANAGEMENT OF THE CHESAPEAKE BAY SYSTEM.

GOAL: PROVIDE FOR CONTINUITY OF MANAGEMENT EFFORTS AND PERPETUATION OF COMMITMENTS NECESSARY TO ENSURE LONG-TERM RESULTS.

The cooperation necessary to sustain an effective Chesapeake Bay restoration and protection effort requires a formal working arrangement involving the States and the Federal government. That institutional arrangement must allow for and promote voluntary individual actions coordinated within a well-defined context of the individual responsibilities and authorities of each State and the Federal government. It must also ensure that actions which require a concerted, Bay-wide approach be addressed in common and without duplication. One of the principal functions of the coordinating institution is to develop strategic plans and oversee their implementation, based on advice from the public, from the scientific community, and from user groups.

In addition, the coordinating body must exert leadership to marshal public support, and it must be accountable for progress made under the terms of this agreement. The coordinating body will continue to be called the Chesapeake Executive Council. The Chesapeake Executive Council shall be comprised of the Governors, the Mayor of the District of Columbia, the Administrator of the Environmental Protection Agency, and the Chairman of the Chesapeake Bay Commission. The chairmanship of the Council shall rotate annually as determined by the Council. The term of the Chairman shall be one year. The Administrator of the Environmental Protection Agency shall represent the Federal government, and

the Chairman of the Chesapeake Bay Commission shall represent its members.

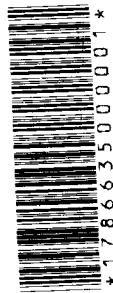
OBJECTIVES:

- GO-01 o Continue to demonstrate strong, regional leadership by convening an annual public meeting of the Chesapeake Executive Council.
- GO-02 o Continue to support the Chesapeake Executive Council and provide for technical and public policy advice by maintaining strong advisory committees.
- GO-03 o Coordinate Bay management activities and develop and maintain effective mechanisms for accountability.
- GO-04 o The Chesapeake Bay Liaison Office shall provide staff support to the Chesapeake Executive Council by providing analyses and data management, and by generating reports related to the overall program. The Implementation Committee shall provide guidance to the Chesapeake Bay Liaison Office Director in all matters relating to support for the Council and their supporting committees, subcommittees, and work groups including the development of all plans and other documents associated with the Council.
- GO-05 o Examine the feasibility of joint funding support of the Chesapeake Bay Liaison Office.
- GO-06 o Track and evaluate activities which may affect estuarine water quality and resources and report at least annually.
- GO-07 o Develop and maintain a coordinated Chesapeake Bay data management system.
- GO-08 o Continue to implement a coordinated Bay-wide monitoring system and develop a Bay-wide living resource monitoring system.
- GO-09 o Develop and implement a coordinated Bay-wide research program.

COMMITMENT: To achieve these goals we agree:

- GC-01 o to develop an annual Chesapeake Bay work plan endorsed by the Chesapeake Executive Council.
- GC-02 o to continue to support Bay-wide environmental monitoring and research to provide the technical and scientific information necessary to support management decisions.
- GC-03 o to strengthen the Chesapeake Bay Liaison Office by assigning as appropriate, staff persons from each jurisdiction and from participating federal agencies to assist with the tech-

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