

# Summary of Public Comments on 7-9-13 Abridged Draft Agreement and Chesapeake Bay Program Responses

*The following is a summary, arranged by topic area, of comments received and CBP’s subsequent decisions related to each topic. It reflects only topics that received public comment and does not reflect the entire Agreement. All stakeholder and public comments submitted between July 10 and Aug 15, 2013 were reviewed and considered by the partners in the development of the 1-29-14 full draft of the Chesapeake Watershed Agreement.*

**This summary reflects comments received from:**

Organizations

Individuals

Alliance for the Chesapeake Bay  
Alice Ferguson Foundation  
American Rivers  
Chesapeake Bay Foundation  
Chesapeake Bay Trust  
Choose Clean Water Coalition  
City of Lancaster, Pa  
Environmental Defense Fund  
Md Association of Municipal Wastewater Agencies, Inc.  
Md Partnership for Children in Nature  
Md Sierra Club  
Mattawoman Watershed Society  
Metropolitan Washington Council of Governments  
Otsego County Soil and Water Conservation District, NY  
Pa Farm Bureau  
State Water Quality Advisory Committee  
Storm Water Association of Maryland  
Susquehanna Greenway Partnership

The Nature Conservancy  
Va Association of Municipal Wastewater Agencies, Inc.  
VaCo  
Va Farm Bureau  
Va Institute of Marine Science  
Va Municipal Stormwater Association  
Va Resource Use Education Council  
WV Rivers Coalition

Alyce Ortuzer  
Ann Mallek  
Bonnie Bick  
Brian Wessner  
Bruce Kirk  
Chris Dudley  
Debbie Rowe  
Dennis Murphy  
Dori Grasso  
Doris Adebajo  
Gary Peacock  
George Talcott  
Jack Nelson  
Jonathan  
Markovich  
Joseph Love  
Kathryn Price  
Lori Arguelles  
Monty Hawkin  
Steve Gibb  
Tara Carlson  
Terry Matthews  
William Stiles  
Wink Hastings  
Yvonne Irvin

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Blue Crabs	Add Bay-wide annual catch limits to give predictability to fishermen, have an allocation of the catch limit among the jurisdictions, and implement accountable monitoring of all harvest.	<u>Crab catch share</u> included in Additional Issues for Consideration list.	New Language Incorporated: <u>Blue Crab Management Outcome</u> : 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.	
Oysters	Include metrics that have been developed, and include public and private fisheries as well as ecosystem services.	<u>Oyster Outcome</u> : Restore native oyster habitat and populations in ____ tributaries by 2025.	Revised: <u>Oyster Outcome</u> : Restore native oyster habitat and populations in <b>10</b> tributaries by 2025 <b>to recover the benefits of fish habitat and water quality improvements that healthy oyster reefs provide.</b>	The number of (10) tributaries was chosen based on a Fisheries Goal Team analysis of progress to date on restoration work in Virginia and Maryland, costs associated with such work, and budget projections going forward, including support provided at the federal level by the Army Corps of Engineers and NOAA. There is consensus to state the intent of restoration as providing ecological benefits of healthy oyster reefs, but not a specific outcome for the oyster fishery as there is currently no Bay-wide stock assessment or reference points on which to base such an outcome. The oyster restoration metrics will be included in the Management Strategy section as they guide the restoration planning process.

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<b>Forage Fish</b>	Adopt a forage fish outcome to maintain cumulative forage potential for predatory species that support commercial and recreational fisheries.  Create outcomes for Menhaden.	<u>Forage Fish</u> included in Additional Issues for Consideration list.	New Language Incorporated : <u>Forage Fish Outcome</u> : By 2016 develop a strategy for assessing the forage (or prey) fish base available as food for predatory species in the Chesapeake Bay.	There is currently no consensus around a Menhaden outcome but the goal team does recognize the importance of all forage fish species in the Bay.
<b>Fisheries Habitat</b>	A habitat outcome should be housed under the fisheries goal for fish instead of under the vital habitats goal.	<u>Fisheries habitat outcome</u> not included.	New Language Incorporated : <u>Fish Habitat Outcome</u> : Continue to identify and characterize critical spawning, nursery and forage areas within the Bay and tidal tributaries for important fish and shellfish and use existing and new tools to integrate information and conduct assessments to inform restoration and conservation efforts.	
<b>Vital Habitats</b>	Any vegetation used in restoration projects should be native.	<u>Vital Habitats Goal</u> : 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.	Revised: <u>Vital Habitats Goal</u> : Restore, enhance, and protect a network of land and water habitats to support <b>high</b> -priority species and to afford other public benefits, including water quality, recreational uses and scenic value across the watershed.	Native vegetation will likely be included as part of Management Strategies.
<b>Wetlands</b>	A deadline date is needed, and protecting upland wetlands from sprawl should be specific.	<u>Wetlands Outcome</u> : 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.  <u>Black Duck</u> : Restore wetland habitats to support a wintering black duck population in the watershed of 100,000 birds by 2025.	Revised: <u>Wetlands Outcome</u> : <b>Create or re-establish 85,000 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 by 2025. These activities may occur in any land use including urban but primarily occur in agricultural or natural landscapes.</b> <u>Black Duck</u> : Restore wetland habitats to support a wintering black	The acreage increase was based on the Phase II WIPs, and it will be re-assessed in 2017 based on state Phase III WIP targets.  Protection of wetlands is included in land conservation; no need to duplicate in Habitats Outcomes.

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			duck population in the watershed of 100,000 birds by 2025.	
<b>Stream Health</b>	The brook trout outcome was better suited under the Fisheries Goal.	<u>Stream Health Outcome</u> : Restore stream health and function by 10% above the 2008 level* throughout the watershed by 2025. *Note: Baseline will be re-assessed <u>Brook Trout</u> : Restore naturally reproducing brook trout populations with an 8% increase in total cumulative brook trout patch area by 2025 in Chesapeake headwater streams.	Revised: <u>Stream Health Outcome</u> : Restore stream health and function by 10% above the 2008 level* throughout the watershed by 2025. *Note: Baseline will be re-assessed <u>Brook Trout</u> : Restore naturally reproducing brook trout populations in Chesapeake headwater streams with an 8 percent increase in <del>total cumulative brook trout patch area</del> occupied habitat by 2025.	Brook Trout Outcome will remain under the Habitat Goal. Brook trout acts as an indicator for Stream Health and focuses on habitat issues. There will be opportunity for the Fisheries and Vital Habitats Goal Implementation Teams (GIT 1 and GIT 2) to collaborate in the Management Strategies for the Brook Trout Outcome.
<b>Forestry</b>	The metric was unclear, and that a definition of “restored” and “urban tree canopy” was necessary.	<u>Forestry Outcome</u> : 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 acres per year in a total of 120 communities by 2025.	Revised: <u>Forest Buffer Outcome</u> : Restore 900 miles per year of riparian forest buffer and conserve existing buffers until at least 70% of riparian areas throughout the watershed are forested.  <u>Tree Canopy Outcome</u> : Expand urban tree canopy by <del>1,000 acres per year in a total of 120 communities</del> 2,400 acres by 2025.	Definition concerns will be resolved through Management Strategies.  The urban tree canopy target was revised based on each state’s contribution.
<b>Water Quality</b>	The 2017 and 2025 deadlines are not feasible, factors influencing achievement of the TMDL should be recognized, commitment to understanding effectiveness of WIPs through monitoring and modeling should be included, “fishable and swimmable waters” should be specifically included, and storm water should be mentioned.	<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.	No change: <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.  New Language Incorporated : <u>Principles</u> :	The Agreement does not preclude the possible need for regulatory action in the future. The Partnership is committed to adopting and implementing an adaptive management framework in meeting water quality goals and objectives. The partnership is committed to using the most up to date science and data in its decision making and strategy development processes, taking into account the various

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			The Partnership will: Maintain a coordinated watershed-wide <i>monitoring and research program</i> to support decision-making and track progress and the effectiveness of management actions.	stressors affecting Bay health. The Bay jurisdictions have developed Watershed Implementation Plans (WIPs) to meet the target allocations in the Bay TMDL and within these plans, storm water reduction plays a major focus in their water quality improvement projects and programs.
<b>2025 WIP</b>	Include a specific mention of the TMDL.	<u>2025 WIP Outcome</u> : Have all practices and controls installed by 2025 to achieve the Bay's DO, water clarity/SAV, and chlorophyll a standards.	Revised: <u>2025 WIP Outcome</u> : <b>By 2025</b> , have all practices and controls installed to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll a standards <b>as articulated in the Chesapeake Bay Total Maximum Daily Load document</b> .	
<b>Toxic Contaminants</b>	A goal on toxic contaminants and endocrine disruptors should be included in the agreement, especially as they relate to human health. The toxics language should be expanded to include bio-accumulative chemicals and carcinogens.	<u>Toxic Contaminants</u> included in Additional Issues for Consideration list.  <i>Language considered, but rejected:</i> <u>Toxic Contaminants Research Outcome</u> : <i>Assess planned research and opportunities for new research to improve knowledge of the effects of contaminants of emerging concern on the health of fish and wildlife by 2015 so future strategies can be considered.</i> <u>Toxic Contaminants Reduction Outcome</u> : <i>Identify practices and an implementation schedule by 2015 to reduce loadings of PCBs and mercury to the Chesapeake Bay and its watershed.</i>	Excluded	While several partners supported inclusion of toxic contaminant outcomes, some expressed concerns related to whether there is a need for the CBP to apply itself to contaminant issues that are the target of established impairments and, in some cases, local TMDLs in the jurisdictions. Most jurisdictions felt that toxic contaminants are being addressed already through state programs and local TMDLs for contaminants. Other arguments against including the reduction outcomes, such as the contaminants of concern are not transported across state boundaries and the contaminants are bound in legacy sediment only with no ongoing inputs, were influential but are not necessarily substantiated in the technical literature.

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<b>Agriculture</b>	Plan for agricultural water supplies, and including farmland as a major factor affecting the watershed.	<p><u>Agricultural Conservation</u> included in Additional Issues for Consideration list.</p> <p><i>Language considered, but rejected:</i>  <u>Agricultural Conservation Outcome:</u> Work with producers to apply new conservation practices on 4 million acres of agricultural working lands in high priority watersheds by 2025 to improve water quality in the Chesapeake Bay and its tributaries.</p>	Excluded	Sector-specific goals and outcomes have been excluded because they are not appropriate for this agreement.
<b>Healthy Watersheds</b>	Emphasize <i>maintain</i> current healthy watersheds and ensure they retain extremely high water quality standards. Don't use the word "protect" as that may confuse this effort with the protection and restoration of impaired waters.	<u>Healthy Watersheds Goal:</u> Protect state-identified healthy waters and watersheds recognized for their exceptional quality and high ecological value.	Revised: <u>Healthy Watersheds Goal:</u> <del>Protect</del> Sustain state-identified healthy waters and watersheds recognized for their exceptional quality <del>and/or</del> high ecological value.	
<b>Land Use</b>	A sound land use goal should be included in the agreement, or outcomes should be included under several goal areas. A geographic approach could be taken to limit impervious surface development around sub-watersheds that are still considered healthy or around those that are more highly affected by development.	<u>Sound Land Use Planning</u> included in Additional Issues for Consideration list.	<p>New Language Incorporated :  <u>Land Use Methods and Metrics Development Outcome:</u> 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.</p> <p><u>Land Use Options Evaluation Outcome:</u> 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</p>	

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			possible, reduce the rate of consumption of agricultural and forest lands, and rate of conversion of porous landscape to impervious surface.	
<b>Public Access Site Development</b>	Consider how many of the 300 public access sites will be view-only. Should there be a limit set on how many view-only sites will count toward the 300 target?	<u>Public Access Site Development Outcome:</u> Increase public access by adding 300 new public access sites by 2025 (from the 2010 baseline).	Revised: <u>Public Access Site Development Outcome:</u> <b>By 2025 add 300 new public access sites, with a strong emphasis on providing opportunities for boating, swimming and fishing, where feasible.</b> (2010 baseline year)	
<b>Environmental Literacy</b>	Education and meaningful outdoor experiences are of vital importance to sustaining the health of the Bay. It would be a step backwards to not recognize the programs, policies, and funding streams stakeholders have aligned within jurisdictions to advance environmental literacy already. The goal should include quality teacher preparation and professional development, as well as multiple quality student outdoor experiences from pre-K through 12 <sup>th</sup> grade.	<u>Environmental Literacy</u> included in Additional Issues for Consideration list.	New Language Incorporated : <u>Environmental Literacy Goal:</u> Enable students in the region to graduate with the knowledge to use scientific evidence and citizenship skills to act responsibly to protect and restore their local watershed. <u>Meaningful Watershed Educational Experience Outcome:</u> Increase the number of students participating in teacher-supported meaningful watershed educational experiences in elementary, middle and high school. <u>School and School System Model Development Outcome:</u> The Partnership will support and highlight models of sustainable schools and local education agencies that use system-wide approaches for environmental education. <u>Environmental Literacy Metrics Outcome:</u> By 2014, develop	

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			baseline metrics to establish and measure outcomes related to student participation in teacher supported meaningful watershed educational experiences and related activities.	
<b>Stewardship</b>	Restoration will only occur if a broader array of stakeholders is engaged to effect change. We need to broaden the base of knowledge and support for individual actions needed to achieve goals and outcomes. Additionally, omission of the goal does not reflect the work by partners that is already underway to affect behavior change.	<p><u>Stewardship</u> included in Additional Issues for Consideration list.</p> <p><i>Language considered, but rejected:</i>  <u>Stewardship Operational Commitments:</u>  <i>"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."</i>  <u>Stewardship Management Strategy Elements:</u> <i>"All Management Strategies will incorporate approaches for engaging citizens in efforts to increase conservation and restoration actions, as appropriate, in the development and implementation of Management Strategies under this agreement."</i></p>	<p>All operational commitments excluded.</p> <p>New Language Incorporated :  <u>Principles:</u>  The Partners will:</p> <ul style="list-style-type: none"> <li>• Represent the interests of people throughout the watershed fairly and effectively, including a broad diversity of cultures, demographics and ages.</li> <li>• Engage our citizens to increase the number and diversity of people who support and carry out the conservation and restoration activities necessary to achieve the goals and commitments of the Agreement.</li> </ul>	As a cross-cutting issue, stewardship is most appropriate for inclusion in the Principles section as part of the overarching framework by which the Partnership operates.
<b>Local Leadership</b>	The goal and outcomes should be included to engage, empower, and facilitate local leadership, and that such a goal and outcomes would help achieve most other goals and outcomes in the agreement. An outcome to create a Finance	<p><u>Empowering, engaging and facilitating local leadership</u> included in Additional Issues for Consideration list.</p> <p><i>Language considered, but modified for inclusion in other sections:</i>  <u>Local Leadership Goal:</u> <i>Engage, empower</i></p>	<p>New Language Incorporated :  <u>Preamble:</u>  One of the most important lessons learned from the past three decades is that, while watershed-wide partnerships help to coordinate and catalyze, implementation happens locally. Local governments are key</p>	Local leadership is most appropriate as a cross-cutting issue to be considered in the development of Management Strategies for outcomes.



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	Advisory Committee for local governments would have the most benefit.	<p><i>and facilitate local governments as partners in the protection and restoration of the Chesapeake Bay watershed.</i></p> <p><u>Leadership Capacity Outcome:</u>  <i>Build leadership capacity of local governments to implement local actions by increasing local government officials' knowledge of local water resources issues and economic, cultural and policy incentives available to support implementation of actions that help achieve the goals of the Agreement.</i></p> <p><u>Local Tools and Resources Outcome:</u> <i>Increase delivery of tools and resources: such as GIS-based analytical tools; water quality monitoring data; an environmental finance clearing house; technical assistance; to empower local governments to develop and implement locally based approaches to water resource protection and restoration.</i></p> <p><u>Economic Incentives Outcome:</u>  <i>Provide economic incentives to local governments who participate in the implementation of actions that help achieve the goals outlined in the Agreement.</i></p> <p><u>Financing Strategies Outcome:</u></p>	<p>partners as are individual citizens, businesses, watershed groups and other non-governmental organizations. Working together to engage, empower and facilitate these partners will leverage resources and ensure better outcomes.</p> <p><u>Principles:</u>  The Partnership will:  Acknowledge, support and embrace local governments and other local entities in watershed restoration and protection activities.  Use place-based approaches, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.</p> <p><u>Goals and Outcomes Introduction:</u>  Local government will continue to play a unique and critical role in helping the Partnership realize the shared vision for the Chesapeake Bay.</p> <p><u>Management Strategies:</u>  Where appropriate, management strategies should describe how local governments, nonprofit and private partners will be engaged; where actions, tools or technical support are needed to empower local governments and others to do their part; and, what steps will be taken to facilitate greater local participation in achieving the</p>	

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		<i>Increase the number of communities utilizing creative financing strategies to implement local actions that help achieve the goals of the Agreement.</i>	outcomes.	
<b>Social and Economic Indicators</b>	The goals and outcomes of this agreement will require a committed effort to understand the motivations and decision-making processes of citizens in the watershed, and a willingness to implement programs that can change behaviors.	<u>Social/Economic Indicators</u> included in Additional Issues for Consideration list.	New Language Incorporated : <u>Principles:</u> The Partners will: 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.	
<b>Climate Change</b>	A goal should be explicitly included for adaptation to and management of climate change, especially regarding sea level rise, warming effects on spawning and Bay grasses, and increasing storm intensity, which will contribute to storm water runoff and erosion.	<u>Climate Change</u> included in Additional Issues for Consideration list.	New Language Incorporated : <u>Preamble:</u> Much progress has been made, but there is more to do especially in the face of continued challenges such as changes in population, loss of farm and forest lands and <i>changing environmental conditions</i> .  <u>Principles:</u> The Partners will: Anticipate changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other variables.  <u>Management Strategy Development and Implementation:</u> Management strategies may address multiple outcomes if deemed appropriate. Goal Implementation Teams will re-evaluate biennially and update them as necessary,	“Climate change” should not be included as a goal or outcome, but adapting to “changing environmental conditions” will be included as a cross-cutting issue to be addressed in the Management Strategies for outcomes because it is a factor influencing the Partnership’s ability to meet goals and outcomes.

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			with attention to changing environmental and economic conditions. Policy changes to address these conditions and minimize obstacles to achieve the outcome may be identified.	
<b>Conowingo Dam</b>	The implications for the Conowingo Dam's downstream waters and implications of public perception if it is not included in the agreement are concerning.	<u>Conowingo Dam</u> not included.	Excluded	Specific mention of the Conowingo Dam is not at the scale or level of detail appropriate for this Agreement. It is being addressed by various studies that EPA and the jurisdictions participate in, including those of the Lower Susquehanna River Sediment Task Force, the Army Corps of Engineers , and the EIS study by the Federal Energy Regulatory Commission.
<b>Hydraulic Fracturing</b>	The typically water-intensive process of fracking, and the increased erosion and storm water runoff resulting from land clearing, grading, and well site and infrastructure development are concerning.	<u>Hydraulic fracturing</u> not included.	Excluded	Specific mention of fracking is not at the scale or level of detail appropriate for this Agreement. Any pollutant load increases from fracking should be addressed by the jurisdictions' Phase II WIPs and their offset programs.
<b>Accountability, Transparency, and Verification</b>	<p>The public should be informed of the jurisdictions' progress in meeting the commitments to ensure transparency and promote public confidence.</p> <p>An outcome should be considered for data collection, verification, and transparency to support monitoring work &amp; station development.</p>		<p>New Language Incorporated :</p> <p><u>Preamble:</u>  Watershed restoration and protection efforts have shown that measurable results coupled with firm <i>accountability</i> yield the most significant results... The Partnership is committed to improving <i>verification and transparency</i> of its actions to strengthen and increase public confidence in its efforts.</p> <p><u>Principles:</u>  The Partnership will:</p>	An outcome for verification and transparency to address monitoring work is not suitable for this agreement, and fits better within the Principles as part of a framework which the Program operates within.

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			<p><i>Operate with transparency</i> in program decisions, policies, actions and progress to strengthen public confidence in our efforts.</p> <p>Utilize <i>science-based decision making</i> and seek out innovative technologies to support sound management decisions in a changing system.</p> <p>Maintain a <i>coordinated watershed-wide monitoring and research program</i> to support decision-making and track progress and the effectiveness of management actions.</p> <p><u>Management Strategies Development and Implementation:</u>  <i>The Chesapeake Bay Program will make these strategies and reports on progress available to the public in a transparent manner</i> on its websites and through public meetings of the appropriate Goal Implementation Teams and Management Board.</p>	
<b>Management Strategies – Discretion and Timeframe</b>	<p>Jurisdictions should be required to develop or participate in a meaningful way in the management strategies. There needs to be accountability and assurance that all signatories follow through on their commitments.</p> <p>The agreement should state that the management strategies will be</p>	<p><u>Management Strategy Elements:</u> Outlines key elements of strategies to be developed by Goal Implementation Teams for each of the outcomes in the Agreement with stakeholder input. Calls for strategies to identify jurisdictions, federal agencies and partners committed to providing leadership toward the achievement of each outcome as well as related actions and resources. Strategies</p>	<p>New Language Incorporated :  <u>Goals and Outcomes Introduction:</u>  <i>Except for those outcomes required by law and related to the implementation of the Chesapeake Bay Total Maximum Daily Load (TMDL) under the water quality goal, each signatory may exercise its discretion to participate in the development and implementation of individual outcomes' management strategies depending upon</i></p>	

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	developed within a defined timeframe after the signing of the agreement and will thereupon become a part of the agreement itself.	to address factors influencing outcomes including climate change adaptation, land use change and regulatory barriers. Updated biennially.	<p><i>relevance, resources, priorities, or other factors.</i> Partnerships with other agencies, organizations, and stakeholders will be identified as appropriate. <i>Signatories may decide to adjust their level of participation in the implementation of strategies as circumstances warrant.</i></p> <p><u>Management Strategies Development and Implementation:</u>  <i>Within one year of the Agreement, Goal Implementation Teams will develop management strategies for the outcomes supporting the Agreement goals.</i></p> <p><i>Goal Implementation Teams will reevaluate biennially and update strategies as necessary, with attention to changing environmental and economic conditions.</i></p>	