ADAPTING TO CLIMATE CHANGE IN THE CHESAPEAKE BAY
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Science-Based Policy Panel
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1. Substantial Opportunities to consider climate change in developing policy
   - EPA soliciting comments on its draft "Aquatic Ecosystems, Water Quality, and Global Change" report seeking to develop approaches to conducting multi-stressor vulnerability assessments. Comments due **April 14.**
   - Federal Agency Climate Change Adaptation Planning – Implementing Instructions and Support Document. Released **March 4**. Includes detailed timetables for determining vulnerabilities, and identifying 3-5 priority adaptation actions to be taken in FY2012 by **September 30.**
   - Maryland's Climate Action Plan. Comprehensive Strategy for Reducing Maryland's Climate Change Vulnerability. Key recommendations in numerous areas including health, agriculture, forests and terrestrial systems, bay and aquatic systems, water resources, population growth and infrastructure. ("integrate climate vulnerability data into state and local spatial planning frameworks")

2. Science-Policy Connection.
   - Policies get developed and carried out (and receive executive, legislative, and funding support) only when there is a PROBLEM TO BE SOLVED.
     - Thus we get action on water when there is a drought, or a flood. We get action on water when fish conspicuously die or people get sick
     - We get interest in sea level rise or climate vulnerability when an expensive decision is going to be made that may lead to a failure within the projected lifetime of the investment.
   - People (including decision makers and elected officials) want assurance that scientists and officials KNOW WHAT TO DO.
     - You don't get backing for vague pronouncements or concerns
     - You rarely get backing for research that does not promise "rules of thumb" [thus you get backing for riparian buffers when you can say – yes, these accomplish known things, and we know how wide they should be]
     - Corollary: Complex decision-making matrices or indicator systems that require multiple inputs can be administered by well-funded agencies. But if they are not continuously supported or the needed inputs are left to disparate action agencies, these systems will not be used consistently, nor will they be trusted.
   - FAMILIARITY AND PREDICTABILITY win out [in policy choices.]
     - A list of climate unfriendly, climate friendly, and climate friendlier is preferable to a requirement that "climate be taken into account". [Or at least, such a requirement should be translated into simple form]
     - In Maryland, you know you have to conserve or replace tree canopy, for example.

3. Yes, there is authority to include climate change considerations in many decisions where "climate" is not in the statute.

- NEPA § 102(1) ("The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set for in this Act"), §101(b) ("fulfill the responsibilities of each generation as trustee of the environment for succeeding generations", "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences"), § 105 ("The policies and goals set forth in the Act are supplementary to those set forth in existing authorizations of Federal agencies")
- Pennsylvania Const., Art. 1, § 27
- Virginia Const., Art. XI, § 1
- New York Const., Art XIV, § 4.
- Delaware Planning Act, tit. 29, Ch. 91
- Maryland Climate Change Commission, Action Plan

4. Potential targets:

- Transition to new energy portfolio – can you support wind/solar, transmission, siting, subaqueous. Can these sites be counted as "conserved"? To what extent?
- What about biofuels?
- Flood control/prevention/abatement – perhaps the primary observable climate change effect, with implications for green infrastructure, N & P controls.
- Priority setting within WIPs – can we promote resilience
- Even better riparian buffers, including in urban and suburban areas
- Invasive species
- Can we track GHG effects of Bay program actions/state actions directed at other things (like water quality, smart growth).