



Stakeholders' Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

Stakeholders' Advisory Committee DRAFT Meeting Minutes December 6-7, 2023 Havre de Grace, MD

Stakeholders' Members Present: John Dawes (remote), Andrew Der, Donna Harris-Aikens, Bill Fink, Verna Harrison, Chuck Herrick (Vice-Chair), Hamid Karimi, Julie Patton Lawson (Chair), David Lillard, Joe Maroon (remote), Abel Olivo, Kate Patton, Daphne Pee (remote), Vaughn Perry, Tim Rupli (remote), BeKura Shabazz, Charlie Stek, Dana Wiggins, and Staff Jess Blackburn & Alex LoCurto

Speakers/Guests Present: Kate Fritz, Bruce Russell, Jean Johnson, Dave Campbell, Amy Handen, Pam Mason (remote), Anna Killius, Rachel Felter, Matt Robinson, Laura Cattell Noll, Erin Penzelik (remote), Sara Ramotnik (remote), Kathy Stecker (remote)

Meeting presentations and materials are located at:

[Stakeholders' Advisory Committee Quarterly Meeting \(December 2023\) | Chesapeake Bay Program](#)

Wednesday, December 6, 2023

The Stakeholders' Advisory Committee Chair, Julie Patton Lawson, called the meeting to order at 11:00 AM. The meeting goal is to set the 2024 priorities of the Stakeholders' Advisory Committee that will drive next year's quarterly meeting themes in the development of recommendations to the Executive Council.

Business Meeting

- Julie notified the Committee that there had been a change in the agenda. The planned presentation on the Thriving Communities Technical Assistance Center (TCTAC) has been postponed. The committee will pursue another presentation in the future.
- Julie provided a debrief from the October 2023 Executive Council Meeting. Of the 9 members on the EC, only MD Governor Moore and PA State Senator Scott Martin, chair of the Chesapeake Bay Commission, attended the meeting. Governor Moore was elected Chair of the EC, which means that MD also now chairs the Principals' Staff Committee.
- The Committee voted to approve the September 2023 Quarterly Meeting minutes as submitted.
- Jess Blackburn provided a brief on the intention, guidelines, and eligibility of the Pilot Honorarium Program. The Honorarium Program is needs-based support for members who self-certify that they experience a financial burden because of time away from work while conducting Committee business. The program provides hourly stipends for documented Committee work pending funding availability. All members of the Stakeholders' Advisory Committee are requested to submit a signed copy of the election form indicating their decision to opt-in or opt-out of the program.

Member Spotlights: Donna Harris-Aikens and Abel Olivo offered more about their backgrounds and current work. The goal of the member spotlights is for members to learn more about their colleagues.

Havre de Grace Local Watershed Context - (presentation link)

Bruce Russell, Board President of the Havre de Grace Maritime Museum & Environmental Center

Jean Johnson, Education Director of the Havre de Grace Green Team

Bruce Russell shared aspects of the nonprofit educational institution, the Havre de Grace Maritime Museum, which was founded in 1987. Its mission revolves around the collection, documentation, preservation, and interpretation of the historical maritime skills, culture, heritage, and environment of the Lower Susquehanna River and the Upper Chesapeake Bay region. Notable initiatives include establishing riparian buffers and cultivating 2,000 native plant species to revitalize the city's waterfront. The Museum's exhibits cover topics such as the underground railroad, indigenous peoples, commercial industries, the U.S. Coast Guard, and features a functional boat shop. In 2017, the Museum expanded its impact with the launch of an Environmental Center, aiming to inspire and educate regional residents about appreciating and safeguarding their natural environment. The center actively monitors

submerged aquatic vegetation and water quality, contributing to a significant improvement in the local rivers and streams' water quality.

Jean Johnson, representing the Havre de Grace Green Team, provided insights into the organization's efforts. Established in 2013, the Havre de Grace Green Team, started as a community gardening initiative and has since grown to include around 130 active members. Evolving from its gardening roots, the Green Team now prioritizes environmental literacy, awareness, and Bay stewardship, particularly focusing on increasing pollinator plants along the city's living shoreline. Jean highlighted successful initiatives, including a food waste drop-off program converting residents' waste into compost, a free environmental film series, and an environmental book club discussion open to the public. She concluded by emphasizing that while the Green Team primarily focuses on gardening and local community aspects, their efforts contribute positively to promoting green living and benefiting the Chesapeake Bay.

Chesapeake Bay Program Updates - (presentation link)

Dave Campbell, Acting CBP Director, EPA

Dave Campbell, Acting Director of the Chesapeake Bay Program (CBP) Office since April 2023, briefed the committee on the EPA's response to the Inspector General's report. The Inspector General's evaluation aimed to assess the effectiveness of the EPA's Accountability Framework in overseeing Chesapeake Bay Total Maximum Daily Load (TMDL) pollution reduction goals. Recommendation #1 is to develop a new strategy to specifically address nonpoint source pollution. Recommendation #3 is for EPA to lead the CBP in developing an effective mechanism to ensure nonpoint source load reduction by jurisdictions under the Chesapeake Bay TMDL. The EPA's responses to recommendations 1 and 3 is to present a motion to the CBP Partnership's Management Board by the end of calendar year 2024. The IG accepted EPA's response and corrective actions. Recommendation #2 is to set new jurisdictional goals and a new deadline to meet the TMDL. The OIG accepted EPA's response as resolved.

Dave briefed the Committee on the potential creation of an Agriculture Advisory Committee. The Executive Council issued a Directive in response to a letter from the six Bay State Agriculture Secretaries to explore the potential structure and necessity of a new advisory Committee. The PSC will establish an Action Team charged with developing a comprehensive proposal for the Agricultural Advisory Committee. This proposal will cover crucial aspects, including purpose, membership, by-laws, resources, leadership, and operations. The Action Team will bring a recommendation to the Executive Council during the Fall 2024 EC meeting.

The Stakeholders' Committee's annual recommendations to the EC have been widely distributed among the PSC and the Management Board. Julie Lawson thoughtfully presented a summary of these recommendations during the EC Meeting on October 19, 2023. Members of the Management Board have actively engaged on specific recommendations and efforts are underway to formulate a comprehensive response. The response is scheduled for consideration at the Management Board Meeting in January 2024.

Amy Handen updated the Committee on the newly created Community Capacity Building Grant Program in response to the [Committee's report on Equitable Access to Grants](#). The grants program has earmarked \$13 million over four years to support organizations working on community and watershed health goals. The program aims to increase the effectiveness of community and frontline organizations by allowing diverse organizations at varying capacity levels to participate and implement projects. The subawards under this program will support organizational capacity in various areas, including finance, strategic planning, diversity, equity, inclusion, justice, grant management, collaboration, communications, and technology. Amy thanked the Committee for their valuable ideas, insights, and recommendations that contributed to the development of this program.

Member Discussion:

- ❖ *Role of the EPA as an Enforcer vs. a Partner:* Verna Harrison raised concerns about the confusion of EPA's role in their response to the OIG. Verna emphasized the need for clarity on the EPA's role as an enforcement agency under the Clean Water Act.
 - Dave responded that the EPA assumes various roles, including that of an enforcer, partner, grant-maker, scientific agency, and convening authority. He clarified that the OIG audit did not specifically focus on the enforcement aspect under the Clean Water Act. He emphasized that the evaluation conducted by the

Inspector General was initiated during the previous administration and does not necessarily reflect the current administration's activities.

- ❖ *Status of Public Comments on Reaching 2025*: Members expressed concern in the status of the 400+ public comments that did not make it into the final draft of the EPA's Reaching 2025 Report.
 - Dave acknowledged the importance of incorporating public feedback. The drafting team is actively working on a final draft summary of those comments. The process is time-intensive given the volume and variety of the comments. However, the team is committed to ensuring that the public's input is thoroughly considered and reflected in the final report.
- ❖ *Training and Guidance for the Grant Application Process*: BeKura detailed some of the challenges she has experienced in the (NFWF) grant application process, citing: complexities; redundant obstacles; knowledge gatekeeping; issues with grant administrators' disorganization; and delays in the disbursement of funds. She inquired about CBP's internal processes for swift issue resolution with grant awardees and raised concerns about accountability for grant administrators who do not meet deadlines.
 - Amy responded that certain tasks after a grant is awarded are beyond immediate CBP intervention. She emphasized that the Community Capacity Building Grant Program is intended to help groups new to the federal grants process develop the necessary skills which include opportunities for training, guidance, and collaboration to enhance the capacity of small organizations.
- ❖ *Simplifying the Grant Process*: Abel shared concerns about the burden of required grant reporting and the challenges that small organizations face. He emphasized the need for an instantaneous mechanism for releasing funds, because small organizations cannot afford significant outlay of expenses while waiting for reimbursement. He suggested that grantors provide funds upfront.
 - In response, Amy acknowledged the burdensome nature of reporting that is legally required for grants recipients. She empathized with the concerns and assured the committee that discussions are ongoing to address them despite the difficulty in bringing swift change. She committed to seeking guidance from the Committee for future discussions.
 - Abel added a final thought, suggesting an increase in the indirect rates to at least 20% to accommodate the administrative burden. He argued that the current 10% allocation is insufficient for handling the extensive paperwork.
- ❖ *Updating CBP Training and Support Processes*: Daphne stressed the necessity of recognizing that some organizations may require more tailored support. She suggested an iterative learning process that supports learners, i.e., grant applicants, where they are. She mentioned intensive learning with repetition and multiple opportunities to practice and learn consistently built around the organizations' timeline rather than rigid training schedules. She asked to hear about how CBP is evolving its training and support processes, considering the individual needs and progress of the grantees.
 - Amy thanked Daphne for her insightful question. She committed to talking with the grantee in more detail on this topic.

[Understanding the Wetlands Outcome and State Action Plans - \(presentation link\)](#)

Pam Mason, Chair of the CBP Wetlands Workgroup, Virginia Institute for Marine Science

Pam Mason provided a historical perspective on the origins of CBP's current wetlands outcome goal of restoring/creating 85,000 acres. She underscored the significant loss of tidal and nontidal wetlands, accounting for 50% of the Bay's wetlands since European colonization, necessitating a response to historical and *ongoing* wetland losses. This led to the establishment of the 85,000-acre restoration/creation goal and enhancing another 150,000 acres in the watershed by 2025. The term "enhancement" involves assessing a wetland's functions and providing uplift in a specific area, such as habitat improvement through the replacement of invasive species with native vegetation. These goals originated from the jurisdictions' Phase 1 Watershed Implementation Plans. However, when the targets were set in 2014, considerations for sea-level rise impact on tidal wetlands and climate-driven changes (drought and wetting) on non-tidal wetlands were not factored in. As a result, the outcome does not reflect the current understanding of climate change impacts.

The Wetlands Action Plan emerged after the CBP Outcome Attainability Team identified two off-target outcomes: wetlands and forest buffers. The Management Board tasked the Habitat Goal Implementation team to sponsor a workshop addressing actions for both tidal and nontidal wetlands. Initiated as a comprehensive two-day virtual workshop in 2022, the Action Plan is informed by detailed one-on-one conversations with each jurisdiction to delve into specific issues and goals. By 2022, jurisdictional plans were finalized, and in December 2023, each state presented updates on their respective wetlands action plans.

The Wetlands Workgroup issued a statement addressing the implications on jurisdictional regulatory authority from the Sackett v EPA court decision. The statement emphasizes that while the determination of a wetland's jurisdictional status is a policy question, the presence or absence of protection does not alter the essential nature of wetlands as scientifically defined. Discussions on wetlands conservation commonly center on the scientifically proven link between wetland habitats and aquatic resources. For example, tidal wetlands play a crucial role in supporting the estuarine food web, with the Fish and Wildlife Service estimating that nationally, 67% of aquatic species spend some part of their life cycle in wetlands.

Pam noted a critical miscalculation in the accounting of newly created wetlands: certain urban wetlands, regardless of their stormwater treatment role, were only counted as nutrient and sediment BMPs. Newly acquired EPA funding, enabled the development of a dedicated tracker and database for wetland and riparian buffer habitats. Historically, wetlands were monitored through a water quality database, but it focused solely on water quality, overlooking the critical aerial extent of created wetlands. To address this, the Wetland Workgroup (WWG) restructured, forming two sub-groups for tidal and non-tidal wetlands. This subgroup structure positions the WWG strategically for the Beyond 2025 discussions, where the potential emergence of two sub-outcomes for wetlands may emerge.

Member Discussion:

- ❖ *Inclusion of “Protection” in the Wetlands Outcome:* Verna asked about the language used in the wetland outcome, seeking clarification on whether the specified goal of restoring/creating wetlands includes aspects of protection.
 - Pam clarified that wetlands protections are jurisdictionally safeguarded with the primary focus on achieving no net losses. While this approach aims to balance wetland protection, Pam pointed out limitations, such as non-anthropogenic direct losses and enforcement issues. Relying solely on wetlands protection poses potential challenges in meeting the outlined goals and ongoing discussions will address the wetlands outcome and considerations influenced by the Sackett decision as the program progresses into 2025.

[Beyond 2025 Steering Committee Update - \(presentation link\)](#)

*Anna Killius, Executive Director of the Chesapeake Bay Commission,
Co-Chair of the Beyond 2025 Steering Committee*

Anna outlined the current Beyond 2025 Steering Committee process and its objective to provide recommendations for the post-2025 *Watershed Agreement*. Those recommendations as well as partnership insights and potential updates to the language of the 2014 *Watershed Agreement* are scheduled for presentation at the 2024 Executive Council meeting. The small groups within the process are focused on cross-cutting high-level topics like climate change, healthy watersheds, clean water, shallow water habitats, and people. These groups, composed of Steering Committee members, work on developing recommendations that will undergo review and consensus-building within the Steering Committee. Anna encouraged committee members to actively participate by engaging with representatives, volunteering expertise for the small groups, providing feedback during the drafting period from March to April, and participating in the public comment period from May through June.

Discussion Questions: Anna concluded her presentation by posing three thought-provoking questions to the committee:

1. First, Anna asked the committee for any suggestions regarding potential changes to the wording or understanding of the Chesapeake Bay Program's Vision statement.

- a. Kate P. recommended making the Vision statement more specific, seeking clarification on the meaning of “abundant life,” and proposing a focus on celebrating vibrant cultural heritage while engaging diverse stakeholders from across the watershed.
 - b. Vaughn suggested incorporating "equitable access to water" into the Vision statement, underscoring the importance of ensuring that access is not hindered by affordability constraints.
 - c. Abel emphasized the importance of using accessible language and widely circulating any produced reports to ensure broad understanding and engagement.
2. The second question pertained to the five topical areas—Climate, Healthy Watersheds, Clean Water, People, and Shallow Water Habitats. Anna requested input on significant questions or ideas for the small groups to explore.
 - a. David expressed concerns about the impact of climate change on the Vision statement and emphasized the need to carefully consider conservation efforts for land that may be submerged in the future.
 - b. BeKura, in regards to the “People” topical area, raised the issue of safety concerns for groups who have historically faced obstacles and hazards to public access.
 3. The third question sought recommendations for groups or events over the next 3-6 months where small groups or the Steering Committee could share updates and gather feedback.
 - a. The Stakeholders’ Committee would look into relevant groups or events, but would also appreciate opportunities at future Stakeholders’ meetings to hear updates and share feedback.

Member Discussion:

- ❖ *Adaptive Management in the CBP:* Hamid raised a question about whether the Steering Committee could adopt "adaptive management" approaches to address the chronic cycle of setting ambitious goals and falling short. He inquired about the possibility of incorporating short-term check-ins to assess progress and establishing mechanisms to evaluate past approaches, preventing the repetition of unsuccessful strategies.
 - Anna acknowledged Hamid's concerns, which aligns with feedback from reports like the CESR report. She emphasized that the concept of adaptive management, adjusting goals as knowledge evolves, is actively being discussed by the small groups and the Steering Committee. Anna also stated that considerations are being given to targeting and prioritization with efforts directed at understanding how various components fit together for future success.
- ❖ *Process Accountability:* Charlie asked about incorporating accountability into the process.
 - In response, Anna committed to bringing this important question to the attention of the small groups.
- ❖ *CBF Gathering of Past and Current Bay Leadership:* Julie and Kate Fritz offered some highlights on a recent Chesapeake Bay Foundation hosted meeting when leaders in Bay restoration from both "Old Bay" and "New Bay" perspectives met. The event aimed to learn lessons from past Bay Emeriti, seeking insights on what worked, what could have been done differently, and future considerations. Topics included challenges beyond 2025, such as climate change, forest and wetland protection, engagement with state and local leaders, TMDL achievement, enforcement needs, and engaging diverse stakeholders. New leadership posed questions on inclusivity, resource needs, combating political apathy, mentoring, innovation, and capacity building. Both groups collaborated to brainstorm solutions, emphasizing the limitations of reporting based solely on the model, the need for more robust Watershed Implementation Plans, the importance of intentional actions, inclusivity, and addressing historical shortcomings for a more effective Bay restoration effort.

After discussion concluded, the meeting was adjourned for the day at 5:00PM.

Thursday, December 7, 2023

The meeting was called to order at 8:30AM. Julie shared more about the Agricultural Committee Action Planning Committee. The action team, composed solely of signatory representatives, will rely on existing Advisory Committees for input. Kate stressed the importance of integrating DEI, agriculture, and climate into existing committees rather than forming new topic-specific ones, thereby ensuring a comprehensive approach across all advisory committees for more effective collaboration and impact. Verna questioned the potential membership makeup of the Agricultural Committee anticipating a predominance of farm bureau representatives. She noted the challenges

faced by actual farmers in finding time for active participation, drawing parallels to the Stakeholders' Committee experience. Bill noted the importance of agricultural sector input and suggested the program would benefit from additional input.

Charlie voiced deep concern over what he perceives as EPA's lack of interest and entrenchment in the Chesapeake Bay Program. Charlie proposed requesting a meeting with the EPA Director and Adam Ortiz emphasizing the need for more inclusivity and transparency.

2024 Chair and Vice-Chair Elections

The nominations for the new Chair and Vice-Chair, Chuck Herrick (DC) and Donna Harris Aikens (VA) respectively, were accepted unanimously by the committee following a motion by Charlie and a second by Bill. The committee expressed gratitude to the outgoing Committee Chair, Julie Lawson, for her dedicated leadership over the past three years. Charlie commended Julie's commitment, versatility as a leader, and her representation of the Committee in various meetings. Chuck praised Julie's devotion, open-mindedness, ability to connect with diverse groups. The full committee thanked Julie for her exceptional three years of service as Chairperson.

Subcommittee Break-out Reports

- *Conservation and Land-Use Subcommittee:* Kate Patton and David Lillard were elected as co-Chairs of the subcommittee. The subcommittee will be focusing on obtaining Bay-wide information inspired by Peter Claggett's forest cover model, incorporating layers like protected lands, public access, forests, wetlands, and living resources. The subcommittee is committed to examining existing policies and highlighting areas where policies or incentives may be lacking on the state or local level. Advocating for ongoing funding for mapping programs, they plan to present their findings as early as the May meeting.
- *Water Quality Subcommittee:* Matt Ehrhart was elected Chair of the subcommittee. The primary challenge is maintaining political and public momentum for water cleanup, emphasizing its impact on living resources, community health, and economic benefits. The subcommittee aims to explore multiple avenues for achieving this goal, particularly collaborating with the Beyond 2025 process. Two panels are requested for February: the first with representatives from the Choose Clean Water Coalition, Chesapeake Bay Foundation, and CESR report authors to gather insights on improving water quality leading up to 2025. The second panel will invite leaders from Beyond 2025 workgroups to share progress, ensuring the subcommittee's input is incorporated before final reporting. Immediate actions proposed include drafting a letter to the EPA director and copying the Region 3 administrator, expressing concerns about the EPA's ambiguous stance on its roles within the Chesapeake Bay Program.
- *Stewardship and Engagement Subcommittee:* BeKura Shabazz was elected Chair of the subcommittee. The subcommittee voted in favor of creating a co-chair position, but did not fill the role. Externally, the subcommittee aims to maintain oversight of ongoing grant equity processes, emphasizing the review of the resource hub's approach and its consideration of learning needs for organizations. Internally, the subcommittee is dedicated to addressing issues related to microaggressions within the committee. Recognizing the unintentional harm and distrust caused by such instances, the subcommittee is eager to establish a process for respectful conflict resolution and learning. Their goal is to develop guiding principles for engagement and conflict resolution aligned with DEIJ values. The subcommittee also explored the idea of a cohort for the new capacity-building grant program, allowing recipients to learn from each other.

Action: Members agreed to send a letter to the EPA administrator, expressing the committee's concerns about the confusion recorded in the EPA's response to the IG regarding its role in the Chesapeake Bay Program as a partner and/or enforcer. Noting that these concerns were not reflected in the EPA's final response to the OIG, a follow-up letter was proposed, which seeks more clarity on the EPA's role in the Bay Program.

The committee also expressed the desire to invite EPA Region 3 Administrator, Adam Ortiz, to a future meeting. The committee unanimously approved the motion to send a letter to the EPA Administrator.

Members also requested email notifications to participate in Beyond 2025 focus groups. With no further business, the Chair adjourned the meeting at 12:00PM.

Stakeholders' Advisory Committee 2024 Meeting Dates

February 22-23, Richmond, VA; May 22-23 (MD); September 18-19 (PA); and December 12-13 (TBD)