



## Stakeholders' Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

## Stakeholders' Advisory Committee FINAL Meeting Minutes February 22-23, 2024 Richmond, VA

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

**Speakers/Guests Present:** Kate Fritz, Morgan Goad, Amy Handen, Lucinda Power, Jill Whitcomb, Kristin Saunders, Kevin Du Bois, Breck Sullivan, Natahnee Miller, Kathy Stecker, Laura Cattell Noll, Bryant Thomas, Suzanne Trevena, Jeff Lerner, Sophie Waterman, Sherry Witt, KC Filippino, Anna Killius, Adrienne Kotula, Stephanie Taillon, Gina Hunt, Julia Wakeling, Erin Penzelik, Greg Barranco, Jeremy Hanson, Joe Wood, Jonathan Watson, Katie Brownson, Kevin McLean, Kevin Schbow, Lee McDonnell, Rachel Felter, Sharon Baxter, Sherri Degraphenreed, Thomas Butler, Kayli Ottomanelli, Evan Isaacson, Molly Finch, Wendy O'Sullivan, Kelly Gable, Kristin Reilly, Roy Hoagland.

**Meeting presentations and materials are located at:**

[Stakeholders' Advisory Committee Quarterly Meeting \(February 2024\) | Chesapeake Bay Program](#)

### **Thursday, February 22, 2024**

The Stakeholders' Advisory Committee Chair, Chuck Herrick, called the meeting to order at 11:00 AM. The meeting goal is to learn and discuss the current thinking on the future of the Chesapeake Bay Watershed recovery effort and Bay TMDL through the lens of 2025 and Beyond as part of the Water Quality Subcommittee's identified priority for 2024.

#### **Business Meeting**

- The Committee voted to approve the December 2023 Quarterly Meeting minutes, with a stipulation that a reference to workforce development in the report-out by the Conservation & Land Use Subcommittee's priorities be removed.
- Julie Lawson provided updates from the Management Board (MB) meeting. The Committee's annual recommendations were submitted to the Executive Council (EC) in October 2023, aiming for actionable, clear, and specific recommendations. The leadership of the three Advisory Committees expressed dissatisfaction with past vague responses from the MB during the Feb. 8th Meeting. The MB agreed to furnish more detailed responses and would review progress on recommendations at a summer MB meeting.
- The Chairs of the three Advisory Committees are drafting a letter to Josh Kurtz, Chair of the Principals' Staff Committee (PSC) and MD Natural Resources Secretary, requesting time on the March 12th PSC meeting agenda to discuss the Advisory Committees' role in the Bay Program partnership and find ways for better engagement throughout the year.

#### **Coordinator's Report - (presentation link)**

*Jess Blackburn, Stakeholders' Advisory Committee, Coordinator, Alliance for the Chesapeake Bay*

Jess outlined the cyclical structure of the Committee meetings, highlighting that it is the subcommittee priorities that drive the meeting agendas and the meeting agendas that drive the recommendations. The planned themes for the 2024 meeting cycle are as follows: February theme is "2025 & Beyond"; May theme is "Mapping the Threats"; September theme is "Equitable Access to Grants", crafting the annual recommendations, as well as the ongoing work of the S&E Subcommittee dealing with inclusion and creating guiding principles; the December theme includes year-end recommendations and planning for next year.

Kate Fritz, CEO of the Alliance for the Chesapeake Bay, expressed her support for the Stakeholders' Committee. She highlighted elements of the Alliance's new strategic plan that are relevant to the Committee's work: partnering with agricultural producers, expanding the restoration of lands and waters, building the capacity of partner organizations, and connecting more people to the environment. Kate also proposed to annually meet with Alliance appointed Committee members.

## **Panel: Briefing on Beyond 2025 Small Workgroups**

Matt Ehrhart, Chair of the Water Quality Subcommittee, opened the panel discussion by outlining the Chesapeake Bay Program's Beyond 2025 Steering Committee's charge assigned by the Executive Council to adapt for the future of the Bay post-2025. The first part of the charge, [Charting a Course to 2025](#) report, was published in January. The second part of the charge is underway by the Beyond 2025 small workgroups. They are exploring new ideas for a recommended path forward to be presented to the Executive Council by the end of 2024. The workgroup leads shared initial draft recommendations.

### **People Small Workgroup - (presentation link)**

*Julia Wakeling, Environmental Protection Specialist, DC Department of Energy and Environment*

The People small group has been focusing on how the Chesapeake Bay Program (CBP) can better center people beyond 2025. The team developed five recommendations addressing this issue:

1. Governance & Accountability Reform: Consider broadening the signatories of the *Watershed Agreement*, center leadership at the Goal Implementation Team level, and codify a governance structure that empowers the Advisory Committees and a broader community of diverse representatives to participate in decision-making.
2. Diversity, Equity, Inclusion, & Justice: DEIJ values frame the work of CBP.
3. Representative Goals & Outcomes: Should reflect the needs of people at the local level.
4. Networks and Capacity Building: Mold the Chesapeake Bay Program into a “network of networks”.
5. Social Science: Creating a budget and staffing plan to support the strategic application of social sciences.

### **Member Questions:**

- ❖ *Preparing for Threats Against DEIJ Implementation:* Ann Jurczyk expressed concern about the upcoming Presidential election and the current political climate surrounding the discussion and incorporation of DEIJ principles. Ann inquired about how the workgroup’s recommendations were being structured to ensure their longevity beyond the November election.
  - Julie Lawson, who also co-leads the People workgroup, answered that they acknowledge the threat and are looking at ways to codify those principles in the next *Watershed Agreement* to prevent their removal regardless of the events in November.
- ❖ *Broadening Signatories:* Joe Maroon requested clarification regarding the mention of “broadening the signatories”.
  - Julia Wakeling stated that the aim is to ensure that the signatories represent all stakeholders in the watershed, which could involve incorporating other Federal Agencies, including tribal signatories, or broadening representative agencies among existing signatories.

### **Climate - Small Workgroup - (presentation link)**

*Breck Sullivan, U.S. Geological Survey and Bo Williams, Environmental Protection Agency*

The Climate small group has developed five recommendations to transform the CBP’s partnership policies, programs and projects to address the ongoing and future impacts of climate change. These recommendations are:

1. Develop a vision for the Bay of the future: Align goals with combating climate change and prioritize the investment in climate adaptation initiatives.
2. Improve Resilience of Communities to Key Regional Climate Vulnerabilities: Promote nature-based solutions.
3. Promote Carbon Stewardship as a Holistic Approach to Climate Mitigation.
4. Promote Strategies that Enhance the Resilience of Natural Ecosystems to be Healthy and Productive Under Changing Climate Conditions.
5. Promote Agro-Ecological / Regenerative Agriculture and Community Based Food Systems.

### **Member Questions:**

- ❖ *Creating Reasonable & Responsive Climate Goals:* Hamid Karimi had a question about the first recommendation, which seeks to align the Bay Program’s goals with climate change. Acknowledging that climate change will make achieving goals more difficult, he asked about how the CBP can set reasonable goals.

- Bo Williams replied that is a core question that they are wrestling with considering the uncertainty around impacts of climate change. As more information and data become clear we need to be flexible and responsive to adapt.
- ❖ *Land Conservation Emphasis:* John Dawes asked if this set of recommendations could be enhanced by marking 30% of the Bay watershed for conservation by 2030 to emphasize conserved land function that would relate to each of the recommendations.
  - Bo stated that John's point gets at the heart of maintaining resilience through conservation. Some of the supporting materials the team put together in their longer briefing discusses the balance considering resilience vs. adaptation and where we are on the spectrum.
- ❖ *Carbon Stewardship:* Ann asked for an explanation of the term "carbon stewardship" in the recommendation.
  - Breck replied that carbon stewardship includes carbon sequestration and climate mitigation behaviors of people living in the watershed. They will need to see themselves as stewards of carbon mitigation efforts.

### **Healthy Watersheds - Small Workgroup - (presentation link)**

*Jeff Lerner, Chair, Healthy Watersheds GIT, CBP*

The Healthy Watersheds small group's vanguard idea is to "integrate a more holistic and community-engaged approach to improving and maintaining watershed health as a foundational goal of the partnership." They have developed five recommendations:

1. Data, Tools, and Monitoring: Utilize these to characterize and track watershed health at various scales to inform and increase implementation.
2. Planning: supporting strategic green infrastructure planning for watershed health at multiple scales.
3. Community Engagement: Local engagement is key to help communities and other partners understand federal/state programs while also helping them plan, seek and utilize funding, and take local watershed action.
4. Watershed Actions: Integrate land conservation and stewardship more explicitly into the goals of the Program.
5. Accountability: Revise the Bay Program's framework to promote protection, restoration, and maintaining watershed health, aligning with the [CESR Report's](#) call to measure outcomes over practices.

### **Member Questions:**

- ❖ *Public Engagement and Job Growth:* Abel Olivo acknowledged that job creation wasn't the primary focus of the workgroup, but he encouraged the exploration of integrating recommendations to establish an industry focused on restoration and conservation to create jobs that ensure the longevity of these recommendations by engaging everyday people. Abel sees tremendous potential for significant job creation, estimating a minimum of 500 jobs per county in the Bay watershed for each recommendation, spanning implementation, installation, maintenance, and more.
  - Jeff referred to the concept of the "restoration economy" which is a common reference in the Appalachian region and akin to Abel's description. The aim is to integrate recommendations to create a more holistic approach, alleviating burdens on local entities and fostering the alignment of priorities and objectives. They hope this will lead to sustained job growth in those areas.
- ❖ *General Management:* Charlie Stek expressed concern about the Beyond 2025 initiative's implicit assumption that the Bay will never be clean and the program will continue indefinitely. He highlighted challenges like climate change and population growth, questioning how the program can be sustained without a clear deadline or enforceable regulatory requirement like the TMDL. Charlie suggested exploring the concept of general management and investigating if state management plans could provide a framework for assessing and demonstrating progress.
  - Jeff explained that while the TMDL contributes to accountability, it's separated from other *Watershed Agreement* outcomes tracked through the Strategy Review System (SRS) process. The conversation revolves around establishing accountability for watershed and ecosystem health beyond specific load reductions, acknowledging ongoing challenges particularly with non-point source pollution. Integrating non-regulatory and regulatory aspects of the Bay Program requires continued discussions with the jurisdictions and the Advisory Committees.

### [Clean Water - Small Workgroup - \(presentation link\)](#)

*Jill Whitcomb, Chair of Clean Water, PA Dept. of Environment*

The Clean Water workgroup developed five recommendations focused on water quality in the Bay watershed:

1. Review and Revise Accountability Framework to Improve Effectiveness: Particularly in reducing nonpoint source pollution and increasing emphasis on measured outcomes and water quality data in progress assessments.
2. TMDL Tiered Approach: Identify and create a tiered implementation approach for pollutant reductions that are consistent with state/regional work plans and resources.
3. Water Quality Monitoring & Assessments: Establish and promote cross-program coordination for water quality monitoring to inform watershed health and restoration programs focused on data-driven decision-making.
4. Nonpoint Source Management: Incentivize effective and innovative nonpoint source management.
5. Capacity Building: Expand on existing local programs that connect federal/state/local partners to increase implementation efforts across the watershed.

#### **Member Questions:**

- ❖ *Acid Mine Drainage Regulations:* John Dawes asked about recommendation #4 concerning nonpoint source pollution management. He questioned the leverage point for improving regulation of point source discharges, citing an example of 10,000 gallons per minute of acid mine drainage being deposited into a stream at the Jeddo Tunnel - seemingly a point source of pollution. He sought clarity on whether this would require legislation to address or be a departmental decision.
  - Jill stipulated that she is not an expert on acid mine drainage regulation, but stated that it's one of the reasons for keeping the recommendation broad to address point and nonpoint source management. She emphasized the significance of acid mine drainage as a leading cause of impairments in Pennsylvania and other states like West Virginia, underlining its importance in discussions about water quality and stream health.
- ❖ *Review of EPA's Enforcement Capabilities:* Sara Ramotnik asked about the first recommendation to revise the Bay TMDL accountability framework. She questioned why one of the elements of the recommendation - EPA's commitment to take appropriate federal actions if jurisdictions fail to develop and implement WIPs or fulfill milestones - is not under review.
  - Jill clarified that she isn't speaking for EPA, but during discussions with subject matter experts, which included EPA representatives, they were informed that the first three elements were open for discussion, review, and evaluation. These elements are: (1) WIP development, (2) Two-Year Milestones; (3) EPA's commitment to track and report progress, but not element # 4, EPA's commitment to take appropriate federal actions if jurisdictions fail to implement their WIPs or meet their milestones. Lee McDonnell added that element #4 is grounded in the Clean Water Act which is federal legislation beyond the authority of the Chesapeake Bay Program to alter.
  - Verna Harrison disagreed with Lee's comment on the recommendation's wording about EPA taking federal action, citing recent EPA accountability measures under Adam Ortiz where funding for PA agriculture work was changed.
- ❖ *TMDL Deadlines:* Joe Maroon asked about the future of the TMDL past 2025. He expressed concern that without a deadline there's no urgency for progress. He emphasized the need for a concrete date to maintain momentum and secure political support.
  - Jill responded that the TMDL, whether for local areas or the broader Bay TMDL has no end date - it lasts indefinitely. Joe Wood added that while the partnership set a timeframe to achieve the TMDL goals, it's become apparent that more time will be needed to reach those goals, thus the recommendation for a tiered approach to prioritize actions that will have the largest positive impact on living resources.

### [Shallow Water Habitats - Small Workgroup - \(presentation link\)](#)

*Gina Hunt, Chair, CBP Habitat GIT*

The workgroup is focused on building healthy and sustainable shallow water habitats that support resources, communities, and economies that are resilient to changes in watershed conditions. Their recommendations are:

1. Climate-Resilient Restoration: Prioritize shallow water habitat restoration that has social and ecological benefits.

2. Integrated Modeling & Monitoring: Expand Bay watershed monitoring and modeling to include continuous shallow water habitats.
3. Adaptation Strategy to Inform Habitat Management and Project Planning: Implement a process for climate adaptation in shallow water habitats that integrates science and community engagement elements.
4. Communication and Engagement: Strengthen the connection between people and shallow water habitats.
5. Effective Governance, Collaboration, and Innovative Funding: Prioritize outcomes over bureaucratic processes and adjust outcomes and funding accordingly.

#### **Member Questions:**

- ❖ *Beyond Water Quality and Defining Shallow Waters:* BeKura Shabazz sought clarity about Gina's statement that "water quality is not enough". She also asked if "shallow waters" had been specifically defined.
  - Gina clarified that while clean water aids living resources other factors stress habitats, so improving water quality may not always lead to a living resource response. Regarding "shallow waters," the workgroup referred to shoreline edges in their discussions, avoiding specific depth definitions in order to include all relevant living resources and human-water interactions.

#### **Panel: Beyond 2025 and the Bay TMDL**

*Roy Hoagland, Senior Program Officer, Virginia Environmental Endowment*

*Hilary Harp Falk, President and CEO, Chesapeake Bay Foundation*

*Kristin Reilly, Director, Choose Clean Water Coalition*

Roy Hoagland provided a history of the Bay TMDL. He defined it as a plan to reduce specific pollutants (nitrogen, phosphorus, and sediment; aka NPS) in polluted waterways to meet federal water quality standards. Contrary to common belief, the TMDL does not directly clean up water bodies; instead, it focuses on tidal waters to meet standards for dissolved oxygen, water clarity, submerged aquatic vegetation, and chlorophyll a. While the TMDL institutionalized pollutant reductions for NPS, it negatively sidelined living resources, human health, and access. Over the years there has been a diminishing of EPA's enforcement role despite the clear language of the document's text. Roy concluded by posing thought-provoking questions: What do we envision for a restored bay post-2025 and how does the TMDL contribute to that vision?

Hilary Falk emphasized the importance of reviving the enthusiasm of creating a coalition to protect the Chesapeake Bay. Hilary urged a collective vision for the Bay's future, addressing climate change, equity, and clean water. Additionally, she emphasized the need for learning from past experiences, accountability, engaging stakeholders, addressing public apathy, and streamlining decision-making processes to sustain cleanup efforts.

Kristin Reilly reflected on her experience at the Bay program in 2009, recalling the energy surrounding President Obama's Executive Order. She noted unintended consequences of the TMDL's focus on nitrogen, phosphorus, and sediment reduction. She emphasized the need to reframe restoration efforts around broader issues like public health and access to engage stakeholders effectively. Kristin stressed the importance of making the work more relatable and exciting to reignite enthusiasm and move beyond the sole focus on pollutant reduction.

#### **Member Questions:**

- ❖ *Effectiveness of Accountability Measures in the TMDL:* Matt inquired about the effectiveness of accountability measures and reflected on past decisions seeking insights for future improvements.
  - Roy acknowledged the challenges attributing EPA's accountability framework limitations to political realities. He suggested that integrating TMDL requirements into federal statutes could have driven more progress but noted the difficulty in achieving this amidst polarized political dynamics. Roy highlighted past efforts to revise the Clean Water Act indicating missed opportunities for statutory mandates. He concluded that legislative action could have enhanced accountability measures and driven progress further.
- ❖ *Engaging Communities and Addressing Environmental Justice:* Matt asked Kristin and Hilary how their organizations plan to adapt in the face of climate change and the need for greater engagement with disadvantaged communities and environmental justice issues.
  - Hilary and Kristin both stressed the importance of proactive leadership and accountability in the cleanup effort. Hilary emphasized the involvement of all stakeholders, including the Executive Council and



Congress, in achieving tangible results particularly in improving water quality. She suggested broadening accountability measures to address wider priorities such as living resources and climate change. Kristin echoed the need to move beyond the TMDL framework and adapt to emerging challenges like land use changes and environmental justice. She called for revisiting strategies to ensure they meet current needs and advocated for a return to a collaborative culture where jurisdictions and stakeholders push each other towards greater progress and accountability, thereby rebuilding trust and revitalizing engagement.

- ❖ *Call for Systemic Changes to Program Equity and Inclusion:* BeKura emphasized the importance of recognizing the experiences of underserved communities particularly communities of color. She stressed that for many, the idealized past never existed and highlighted the ongoing challenges faced by marginalized organizations. BeKura expressed frustration at the lack of inclusivity and partnership opportunities, noting persistent competition and exclusion. She urged for innovative approaches to achieve environmental goals emphasizing the need for those with privilege to take proactive steps in collaboration and support.
  - Kristin agreed with BeKura. The emphasis on public engagement in the Bay Program lacks meaningful action to date. She highlighted the inadequacy of simply posting meetings on the CBP website and called for a fundamental restructuring to prioritize public involvement, public health, and other essential aspects missing from previous agreements and the TMDL.

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

### **Friday, February 23, 2024**

The meeting was reconvened at 8:30AM.

### **CBP Updates - Partnerships and Accountability Branch**

*Lucinda Power, Branch Chief, CBP Partnerships and Accountability*

Lucinda described the role of the Partnership and Accountability Branch (PAB) of the CBP. Among other key functions, the branch supports *Watershed Agreement* implementation, meets with federal leadership, develops indicators, plans strategically, formulates budgets, and communicates CBP partnership policy. Key branch priorities for 2024 are to support implementation of DEIJ strategy, enhance wetlands coordination, support the Beyond 2025 effort, strengthen partnerships, and support the Executive Council directive on climate change.

### **Member Questions:**

- ❖ *EPA Benchmarking and Renewal of 2009 Executive Order:* Charlie questioned whether the EPA benchmarks the Bay's initiatives against other U.S. watersheds like the Great Lakes, Mississippi River, and the Everglades, particularly regarding the establishment of general management plans mentioned in the Healthy Watersheds presentation. Charlie also asked if there's any discussion within the EPA about renewing the 2009 Chesapeake Bay Executive Order.
  - We regularly convene representatives from each geographic program, including Caitlin Goodman from the CBP's Science Branch, to exchange insights and strategies. Our discussions often revolve around meaningful engagement approaches. We aim to gain insights from programs with more extensive involvement and experience, observing what tactics have proven successful for them. Lucinda pledged to further investigate if there are formalized benchmarking mechanisms to systematically evaluate and adopt best practices. Lucinda agreed to follow-up on the question to renew the 2009 Executive Order.
- ❖ *Expanding Target Audiences:* Donna Harris-Aikens asked who are the CBP's target audiences and if the Program seeks to broaden them? Conducting user testing solely with current audiences doesn't provide insights into the needs of new audiences. Additionally, she asked for elaboration on how the CBP website is being used to address this issue?
  - Lucinda explained that one of the main reasons for hiring an Outreach Coordinator was to assess the various audiences not currently targeted. She highlighted that while the website caters to the general public, it serves those more knowledgeable about environmental issues. Lucinda emphasized the necessity of finding ways to attract individuals passionate about environmental restoration and protection who may not be aware of these resources, underscoring the need for the Outreach Coordinator to address this challenge. Kate Fritz added that

Rachel Felver and her CBP Communications Team are developing a communication plan for CBP which will help address some of Donna's inquiries.

### **Breakout Sessions Report Outs:**

- *Conservation and Land-Use Subcommittee:* David Lillard reported that the subcommittee believes that achieving the Program's goals hinges on conserving forest land and preserving wetlands. Their focus will be on identifying critical priority areas that are threatened by development like data centers and impervious surfaces. By utilizing available datasets, they aim to determine these priority areas and develop strategies for their preservation. The Subcommittee would like to convene two panels: one to examine land preservation methods and funding mechanisms in VA, MD, and PA, with a focus on land trusts; the other to discuss mapping strategies potentially including experts like Peter Claggett.
- *Stewardship and Engagement Subcommittee:* Daphne Pee reported the need for continued efforts for equitable access to grants for underrepresented community organizations. Following up on a previous presentation by Amy Handen, Daphne initiated conversations on embedding learning into the grant application process, seeking transparency, and accountability. They explored implementing an action learning process for the grantors and grantees, possibly to be facilitated by Dr. Nakamura from George Washington University. The estimated cost for this facilitation is \$10,000 which prompted discussions about potential contributions from Chesapeake Bay Trust. Additionally, the subcommittee is continuing the discussion on engaging with a facilitator to help the Committee's internal discussion of creating a process that addresses incidents of microaggressions and harmful language. The subcommittee is still fine tuning the details on the structure of the training. BeKura plans to reach out to a facilitator to initiate the process with the Committee. Dana and Abel also talked about facilitating connecting more people to the work by bringing in more interests and looking for personal connections and needs.
- *Water Quality Subcommittee:* Matt Ehrhart reported that they plan to compile key points for the Stakeholders' Committee members participating in the Beyond 2025 symposium next week. Some key considerations emerged from discussions including: the urgent need to establish clear goals; an effective accountability framework to guide progress and evaluation; refining the language in the recommendations to enhance public understanding; and the need to center people in water quality initiatives. The subcommittee would like to invite Adam Ortiz to the May meeting to speak to EPA's response to the IG report. The letter will express remaining concerns about the EPA's role particularly regarding accountability and enforcement by Region 3. They seek clarification on how these aspects relate to other EPA programs and watersheds. Additionally, we're asking Adam to address key issues broadly during his visit.

### **Committee Open Discussion:**

Updates on the proposed Agriculture Advisory Committee were discussed; the new Advisory Committee will likely be formed but there are still many uncertainties and questions about its purpose, structure, and membership. The Stakeholders' Committee also discussed the role and power of advisory committees in the implementation of BMPs and the need for a coordinated early engagement in the Beyond 2025 work. The Committee also discussed the status of public comments on the EPA's Reaching 2025 report draft and the need for them to be taken into account in future planning.

### **Action Items:**

- Arrange a meeting with members of the PA delegation to discuss potential candidates for the two gubernatorial vacant positions and coordinate plans to recommend them to PA's appointment office.
- Jess will connect with Lucinda to gain insight into gap analytics and strategies for maintaining the monitoring network.
- Schedule meetings for all three subcommittees task each subcommittee with formulating a question for Adam Ortiz to address during a broader discussion on Beyond 2025.
- Distribute the stewardship indicator survey results to members by sending out a link.
- Consider attending the upcoming Executive Council meetings to represent the advisory committees.

With no further business, the Chair adjourned the meeting at 12:00PM.