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September 1, 2025

Subject: Comments on the *Chesapeake Bay Watershed Agreement Beyond 2025*  
Revision Draft

Dear Management Board,

The Stakeholders' Advisory Committee (Stakeholders' Committee) to the Chesapeake Executive Council (EC), respectfully offers our feedback and advice on the *Chesapeake Bay Watershed Agreement Beyond 2025* Revision Draft (*Watershed Agreement*). We applaud the partnership's <https://www.canva.com/projects> tremendous amount of work, demanding timelines, and public engagement efforts to issue this draft for public feedback within a year of the December 2024 EC meeting.

We believe elements of the draft *Watershed Agreement* demonstrate improvements from the *2014 Watershed Agreement*, specifically: (1) the consolidation of goals from ten to four; (2) the elevation of conservation and other living resource protection provisions; and (3) the inclusion of SMART Targets under the Outcomes.

Please find below a summary of general comments as well as specific feedback in the attached Appendix:

### Create More Ambitious Targets

While we understand the desire to balance realistic targets with current resources, our members strongly believe that ambitious goals, outcomes, and targets drive the creation of legislation and funding that lead to accelerated progress. Local, State and Federal leaders, advocates, and businesses rely on ambitious targets to justify additional resources to advance on-the-ground implementation of conservation and protection practices. Our members attest to how recent critical legislation in the jurisdictions are the result of the comparatively more ambitious *2014 Watershed Agreement* Outcomes. Some examples of these include:

- Virginia's Water Quality Improvement Fund and fully funded Agricultural BMP cost-share program
- Maryland's Conservation Finance Act and The Whole Watershed Act
- Pennsylvania's Clean Stream Fund and the Agricultural Conservation Assistance Program
- Federal Farm Bill Chesapeake Bay Regional Conservation Partnership Program

### **Set an Overarching Date for the *Watershed Agreement***

A singular date consistent across the Outcomes (excluding the clean water) is easier for the public to track and understand. We support a more aggressive ten-year timeline of 2035 with interim two-year progress reporting. We recommend that 2033 include comprehensive public communications to highlight the progress to date for the 50th Anniversary of the 1983 *Chesapeake Watershed Agreement*.

### **Link the Chesapeake Bay TMDL and the *Watershed Agreement***

We acknowledge that the Chesapeake Bay TMDL exists as a separate regulatory mechanism. We also acknowledge that the *Watershed Agreement* and the Chesapeake Bay Program partnership is a voluntary state/federal accord that incorporates critical elements beyond water quality. However, we believe the omission of a link to the Bay TMDL signals a weakening of the partnership's established accountability framework to water quality that is the foundation of the *Watershed Agreement's* Clean Water Goals.

We understand that the revised *Watershed Agreement* will not be signed by the 2025 Executive Council. Noting this divergence in tradition after over 40 years of the partnership, we strongly encourage you to consider how to formally memorialize the approval of the revised *Watershed Agreement* at the annual EC meeting on December 2, 2025.

Thank you for the consideration of our comments. We are available for discussion if you have questions. We look forward to following how these and other public feedback are considered in the final version.

In partnership,

*Abel Olivo*

Abel Olivo  
Chair, Stakeholders' Advisory Committee

## **Appendix- Stakeholders' Advisory Committee Detailed Feedback**

### **About Revision to the Agreement (Page 3)**

We recommend retaining this section in the final Agreement and adding a paragraph that outlines the Outcomes achieved in the *2014 Watershed Agreement* and the ones that were not. Reference where progress can be found. Explain how the 2025 revision is different beyond the goal consolidation process, like adding SMART targets, etc... and how the revised version will be successful.

### **Vision (Page 4)**

Suggested Revision

"The Chesapeake Bay Program partners envision an environmentally, economically **and socially** sustainable and resilient Chesapeake Bay watershed with clean water, abundant **marine** life, conserved and healthy working lands **with** a vibrant cultural and historical heritage. A wide range of engaged individuals, **communities, organizations and businesses** enjoy access to the waters and natural landscapes of the region **and build innovative partnerships with all levels of government.**"

### **Preamble (Page 6)**

Paragraph 7- Emphasize the economic value of watershed protection and restoration and explain how the voluntary effort is still an accountable endeavor.

Suggested Revision

**"As was previously noted and agreed upon**, watershed restoration, conservation and protection are integral drivers of the region's economy, health, and culture, **which results in tremendous economic and community benefits across all partner jurisdictions.**"

The final sentence describes the *Watershed Agreement* as a voluntary commitment by the signatories. There should be more included that speaks to how the signatories are accountable to their commitments.

### **Principles (Page 7)**

There should be more guidance on how the partnership will be accountable to and embed the Principles in practice. Consider how the appropriate Principles can be integrated in the Management Strategies for each Outcome.

### **Goals and Outcomes (Page 8)**

Provide more information about accountability to meet the goals, outcomes and targets.

### **Wetlands (Page 10)**

This is a key part of the *Watershed Agreement* where we feel more ambitious Targets should be set. We recommend adding a sentence or two that explains the scientific or other reasons behind the Targets. This would help to justify the drastic reduction as compared to the *2014 Watershed Agreement*.

Explain if the Targets are congruent with state wetland mitigation and restoration goals already in place by their permitting programs. Wetland *creation* should be distinguished beyond that already mandatory for authorized construction impacts (2:1 for woody and 1:1 for emergent).

Define the difference between “restore” and “enhance”.

### **Water Quality Standards Attainment and Monitoring (Page 11)**

The Outcome and Target need revisions to simpler language. We believe the partnership should be more ambitious than maintaining networks and commit to improving them especially given the focus to “enhance coordinated watershed-wide monitoring” as stated in the **Principles** on Page 7 as well as the additional focus on shallow waters.

We believe the Bay TMDL should be referenced in the Targets.

Suggested Revision

**“~~Maintain~~ Continue to improve Monitoring Networks:** Annually, ~~maintain~~ continue to improve full core monitoring network operations to support analysis to assess effects of action undertaken to implement Bay TMDL. ~~and communication of~~ Communicate annually on water quality loads, water quality trends and water quality standards attainment.”

### **Evaluate Water Quality Standards Attainment**

Define “long-term trends” and explain improvements in terms that the public will understand.

“Historical baselines” and “multi-metric indicators” while specific, is not plain language that even the interested public will understand.

We support the inclusion of evaluating performance Targets in addition to implementation Targets. We think it is important for the *Watershed Agreement* to call for tracking the differences between modeled and monitored data and highlight the gaps between to help facilitate the closing of those gaps. We suggest adding a shallow water performance Target based on river gauge data collection.

Monitoring and Evaluation must be tied to Targets and enforcement procedures, otherwise it is just data without a driver to action.

## **Reducing Excess Nitrogen, Phosphorus and Sediment Outcome (Pages 11-12)**

We believe the Bay TMDL should be referenced in the Targets.

“Interim water quality targets determined by the PSC” should be defined and explained if they are different from what is established in the Bay TMDL.

### **Suggested Revision**

“Through ~~2030~~ **2035**, continue to implement and maintain practices and controls to reduce excess nitrogen, phosphorus and sediment to achieve the ~~interim~~ water quality targets **necessary to meet 100% of standards as articulated in the Chesapeake TMDL** ~~as determined by the Principals’ Staff Committee~~. Partners may meet this target by implementing their Phase III Watershed Implementation Plans, two-year milestone commitments ~~or~~ **and** other innovative strategies.”

“Other Innovative strategies” could be construed as activities in lieu of approved, verifiable practices in the Watershed Implementation Plans. We support innovation, but want to ensure that BMPs are measurable and verified.

It is unclear what “multiple lines of evidence” entails beyond monitoring and modeling data. If it includes other data, there should be a definition.

### **Suggested Revision**

“Demonstrate net reductions in nitrogen, phosphorus and sediment toward meeting the ~~interim~~ water quality targets **necessary to achieve 100% of the water quality standards as articulated in the Chesapeake TMDL** ~~as determined by the Principals’ Staff Committee~~, through ~~multiple lines of evidence including~~ annual progress reporting and monitoring data (in coordination with the Water Quality Standards Attainment and Monitoring Outcome).”

Critical accountability measures are missing from the Targets including **dates for when the public can expect to see:**

1. Updated Watershed Implementation Plans (WIPs),
2. A new TMDL implementation deadline, and
3. When water quality goals will be met.

## **Toxic Contaminants Mitigation (Page 12)**

We believe that Toxics should remain in the *Watershed Agreement* and are glad to see microplastics and PFAS included, but the Target falls short of being SMART. There is a disconnect between the Outcome language’s claim to “reduce the amount and effect of toxics...” and the Target language to merely “promote continuous information sharing”.

We uplift and agree with the Choose Clean Water Coalition's recommendation to include two additional Toxics Contaminants Mitigation Targets.

#### Suggested Additions

"By 2035, develop two action plans on how the partnership is or will address PFAS and microplastics along with the recognized co-benefits of addressing these toxic contaminants."

"By 2035, develop a webtool to aggregate and promote monitoring data, swim advisories, fish consumption advisories, and other information to let the public make informed decisions about reducing exposure to toxic contaminants in our waters."

Thermal impacts on aquatic life should be analyzed given the fact that almost every pollutant becomes more toxic as temperatures increase.

We uplift and agree with the Choose Clean Water Coalition's recommendation to create a new Clean Water Outcome for Stream Health with Targets to de-list impaired streams utilizing peer-reviewed evaluation methods like macroinvertebrate testing.

#### Suggested Additions

New Outcome: "Continually improve and protect local stream health and function, including their living resources and ecosystem services throughout the watershed using the best available science to inform land management, planning and conservation."

New Target: "By 2035, improve stream health across the watershed to enable the delisting of 5,000 miles of stream and rivers by reaching attainment."

Additionally, we think the partnership should monitor the presence of pesticides and herbicides in streams and their linkage to impacts on stream ecology.

#### **Healthy Landscapes Goal (Page 13)**

##### Suggested Addition

"Conserve, restore and enhance landscapes of ecological, economic, recreational, and cultural value to maintain water quality, provide habitat for wildlife and increase resilience."

#### **Protected Lands Outcome (Page 13)**

Define "protected lands".

Define "critical landscapes" and if they are prioritized based on impacts on water quality. We think the language should be stronger and more direct given there are 20,000+ acres of forested lands being lost to development each year. Additionally, we think the economic value of protected lands should be included in the Outcome language.

## Suggested Revision

“Outcome: Protect critical landscapes **from the conversion of forested, farmed, and open space land to development** within the Chesapeake Bay watershed to protect water quality, enhance biodiversity, support sustainable livelihoods, **bolster local economies**, ensure military readiness and national defense, and honor cultural heritage.”

We appreciate the specificity of targets for the different land uses. However, we are unsure of the intent of “additional 1.5-2 million acres” in the Protected Lands Target. Clarify if that refers to in addition to beyond what was accomplished in the *2014 Watershed Agreement*, a total of the land use Targets listed below or in addition to the land use Targets listed below. If all the land use Targets listed below are intended to total 1.5-2 million acres, then we believe this target should be more ambitious.

Define “Community Greenspace” and ensure it includes non-urban recreational areas.

The Management Strategy should include appropriate data and policy analysis to advance these Targets.

We note that the draft *Watershed Agreement* does not address the connection of Protected Lands and Public Access Outcomes. We recommend the teams coordinate and streamline their work for and communicate the interconnection.

### **Healthy Forests and Trees (Page 14)**

We appreciate the addition of “reducing the loss” of existing canopy, buffers, and forests, but the Targets lack specificity of how much of the current rate of loss will be curbed.

### **Stewardship (Page 15)**

We acknowledge the challenges of measuring the Outcome and Target, but strongly support its inclusion in the *Watershed Agreement*. While Chesapeake behavior change is a useful tool, its defined activities can be limiting in revealing a broader spectrum of residents' behaviors who may not associate their decisions as “environmental” or may be outside of the partnership’s definition of a steward.

### **Workforce (Page 15)**

We applaud this addition to the *Watershed Agreement* and encourage the team to consider approaches truly applicable to ALL residents seeking careers including jobs that support the environmental sectors that are not categorized as “environmental careers” and pathways for job seekers who do not have college education.

We recommend the Management Strategy include more specificity on how the Targets will be measured and tracked.



### **Public Access Site Development (Page 15)**

We applaud the specificity of the Targets, but we believe 100 new public access sites should be more ambitious. The partnership exceeded its *2014 Watershed Agreement* targets of 300 sites. Additionally, we believe that the public access team should closely work with the protected lands team to coordinate targets of recreational protected lands with public access.

### **Student Experiences (Page 16)**

This is a critical element of the *Watershed Agreement* and we commend the team working to achieve it. We recommend that the definition of a ‘meaningful watershed experience’ be included.

### **School District Planning (Page 16)**

We recommend better definitions of what qualifies as a “comprehensive” and “systemic approach”. We are unclear how the Target was developed and recommend an explanation of how school districts have contributed to the determination of feasibility.

### **Management Strategies (Pages 17-18)**

We recommend the timeframe for developing and re-evaluating be consistent with *2014 Watershed Agreement*: One year to develop after the revised *Watershed Agreement* is final and biennial re-evaluation and adjustments.

The strategies should include actions and approaches to incorporate the **Principles** listed on page 7.

The strategies should be comprehensive and include *how* and *when* the Targets will be met, as well as the funding and staffing resources available and additional resources potentially needed. This supports the **Principle** of “operate with transparency”.

Paragraph 2: We acknowledge that the signatories are able to opt-in or opt-out of the Outcomes based on “differing priorities across the watershed”. The exception to this rule is for the water quality Targets associated with the Bay TMDL. It is our understanding that each jurisdiction fully participates in the “Water Quality Standards Attainment and Monitoring” and “Reducing Excess Nitrogen, Phosphorus and Sediment” Outcomes including “developing or implementing programs and **verified** practices”. Each management strategy should include the list of signatories that are participating in other portions of the *Watershed Agreement*. As an additional component of transparency, the Management Strategy section should reflect governance considerations on signatory decision-making.

### **Suggested Revision**

“**With the exception of the clean water Outcomes associated with the Bay TMDL,** participation in Management Strategies or participating in the achievement of Outcomes varies by signatory based on differing priorities across the watershed. This participation may



include commitments, such as: sharing knowledge, data or information, educating the public, working on future legislation, and developing or implementing programs or **verified** practices. **If a signatory chooses not to participate in an Outcome or Target, then their participation in consensus decisions or super-majority voting on the issue should be weighed accordingly.**"

Paragraph 6: We are unclear about the authority of the Management Board to determine and approve the jurisdictions' Watershed Implementation Plans. It is our understanding that EPA approves the WIPs based on reasonable assurance criteria in the Bay TMDL.

#### Suggested Revision

"The Goal Implementation Teams will submit the Management Strategies to the partnership's Management Board for review. If the Management Board determines that any strategy or plan developed prior to the revision of this *Watershed Agreement* meets the requirements of a Management Strategy as defined above, no new strategy needs to be developed. ~~This includes, but is not limited to, the strategies and plans for implementing the Chesapeake Bay Total Maximum Daily Load.~~"