



Stakeholders' Advisory Committee
TO THE CHESAPEAKE EXECUTIVE COUNCIL

CHAIR
Charles Herrick
Washington, DC

John Dawes
Pennsylvania

Andrew Der
Maryland

Matt Ehrhart
Pennsylvania

William Fink
Pennsylvania

Donna Harris-Aiken
Virginia

Verna Harrison
Maryland

Ann Jurczyk
Virginia

Hamid Karimi
Washington, DC

Julie Lawson
Washington, DC

David Lillard
West Virginia

Joseph Maroon
Virginia

Bill Nofstinger
Virginia

Abel Olivio
Maryland

Kate Patton
Maryland

Daphne Pee
Maryland

Vaughn Perry
Washington, DC

Sara Ramotnik
Maryland

Tim Rupli
Virginia

BeKura Shabazz
Virginia

Charlie Stek
Maryland

Dana Wiggins
Virginia

April 3, 2024

The Honorable Adam Ortiz
Region III Administrator
United States Environmental Protection Agency
Sent via email: Ortiz.adam@epa.gov

Dear Administrator Ortiz,

On behalf of the Chesapeake Bay Program's (CBP) Stakeholders' Advisory Committee, we would be honored if you would join us for an hour during our upcoming quarterly meeting on May 22-23, 2024 in Columbia, Maryland. Since our last meeting with you in December 2022, we are eager to engage on current, relevant topics as we continue our role as advisors to the leadership of the CBP with a particular focus on Beyond 2025.

Topics of keen interest are discussion of your vision for Beyond 2025 and the distinction between the EPA's role and the Chesapeake Bay Program Office's role as it relates to the accountability framework for the Bay TMDL. Our hope is to gain clarification on the implications of the EPA's response to the 2023 Inspector General's report and further understand the feasibility and intentions around federal backstops for the Bay TMDL. We are also interested in your current thinking on what the next phase of the *Chesapeake Watershed Agreement* could be and ideas on how to center people in the future of the partnership.

Additionally, we would like to share with you highlights of our 2024 priority topics that will drive our annual recommendations to the Executive Council in December 2024. We will prepare and share our questions and highlights of remarks in advance to aid in preparation for our time together.

We deeply appreciate the opportunity to meet with you to discuss what the Stakeholders' Committee has identified as critical elements of this phase of the Chesapeake watershed recovery. Our staff will follow-up with you and yours to coordinate your potential availability.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chuck Herrick". The signature is fluid and cursive, with the first name "Chuck" and last name "Herrick" clearly distinguishable.

Chuck Herrick
Chair, Stakeholders' Advisory Committee

cc: Martha Shimkin, Director, Chesapeake Bay Program Office
Lucinda Power, Chief, Partnership and Accountability Branch, CBPO

2023 Stakeholders' Advisory Committee Annual Recommendations to the Chesapeake Executive Council

Since the October 2022 Executive Council meeting, the Stakeholders' Advisory Committee (Stakeholders' Committee) traveled throughout the watershed to meet with agency representatives, thought leaders, and practitioners. We held quarterly meetings and panel discussions, hosted virtual learning sessions, and discussed our role in advancing diversity, equity, and inclusion both internally and at the Chesapeake Bay Program. We learn from our diverse membership as well as from communities and organizations about their economic and social connections to the health of their local waterways. We follow the progress of the Chesapeake Bay Watershed Agreement (Agreement) Outcomes and the Bay Total Maximum Daily Load (TMDL), while we learn about emerging issues. We appreciate that substantial progress toward Bay restoration has occurred and we recognize and thank the many persons, organizations, agencies, and others who have made a difference. Based on these discussions, the following recommendations are respectfully submitted to the executive leadership of the Chesapeake Bay Program.

Equitable and Inclusive Engagement

Learning from the life experiences of many of our members, the Stakeholders' Committee continues to believe that need-based honoraria for eligible Committee volunteers are necessary to demonstrate the Partnership's commitment to Diversity, Equity, Inclusion and Justice (DEIJ), and enable meaningful engagement of underrepresented communities when time and money are barriers to participation.

The volunteer nature of the Stakeholders' Advisory Committee tends to favor participation from environmental professionals that continue to draw a wage, employees with company pro bono paid time off, or retirees. Members who do not fall into those categories must take personal time away from their jobs or business to participate in Stakeholders' Committee work. Limited time to volunteer precludes the additional time required for volunteering in Committee leadership positions. According to the Diverse Green Organization's [Green 2.0 "The State of Diversity in Environmental Organizations"](#):

[Mainstream NGOs, Foundations & Government Agencies.](#)" people of color comprise 36% of the U.S. population, but merely 12% of POC are represented in environmental nonprofits and foundations. This inequity transfers to a bias of membership against participation from small nonprofits, community advocates, and grassroots organizations, especially those led by Black, Indigenous, and other people of color.

To reiterate, the connection of need-based volunteer honoraria to the Chesapeake Bay Program's DEIJ commitments and the August 2020 Chesapeake Executive Council's [Statement in Support of Diversity, Equity, Inclusion and Justice](#), the Partnership committed to: "Foster a culture of inclusion, respect and mutual learning by leading organizational change and **empowering new voices** and perspectives in our outreach, engagement and internal decision-making." Additionally, [Chesapeake Bay Program's DEIJ Action Statement](#) endorsed by your Principals' Staff Committee committed to advance DEIJ internally by "increasing diversity and inclusion for staff, **appointees and volunteer bodies**; building a common understanding of, and expanded capacity for, DEIJ; and institutionalizing efforts to advance DEIJ values and practices internally...by incorporating community leaders' input into decision-making and implementation".

Since we recommended a need-based volunteer honorarium in 2022 for approximately 25% of our membership, a few members of the Stakeholders' Committee have regularly met with a small group of Chesapeake Bay Program partners who have championed the recommendation. Through this working group's discussion and its collective learning, we are encouraged by potential ways to advance this concept from idea to practice. We are working internally to draft a practical pilot honoraria program. We look forward to time on upcoming Management Board agendas to share the stories of some of our members and continue the discussion broadly with more Partners to further explore funding mechanisms.

Charting a Course to 2025 and Beyond

The Stakeholders' Committee commends the [2022 Executive Council Directive](#) charging the Principals' Staff Committee to bring forth recommendations "to best address and integrate new science and restoration strategies leading up to 2025." We recognize the hard work of the drafters of the 'Charting a Course to 2025' report's findings. We acknowledge that the report includes critical recommendations that will need to be addressed well beyond 2025. We strongly encourage the Chesapeake Bay Program partnership to delve more specifically into the high-level recommendations and designate specific actions between now and 2025.

The Stakeholders' Committee encourages particular focus to fast-track the implementation of action plans for the Watershed Implementation Plans, Forest Buffers, and Wetlands. It is well known that these key Outcomes in the Agreement are lagging far behind in achievement. Recent focus on forest buffers and wetlands have generated specific recommendations on how to accelerate progress for these Outcomes, so the Partnership is well positioned to translate well-designed recommendations into action in a short period of time. Some examples include:

The [2022 Restoring the Wetlands of The Chesapeake Bay Watershed Action Plan](#) recommended stop-gap measures to accelerate the restoration/creation Wetlands Outcome in the Agreement.

Jessica M. Blackburn, Committee Coordinator

612 Hull Street, Suite 101C | Richmond, VA 23224 | (804) 775-0953 | jblackburn@allianceforthebay.org

The report includes recommendations for (1) strategic planning; (2) building capacity; (3) landowner/community engagement; and (4) sustainable funding (pgs. 6-9). We uplift the recommendation for the Partnership to create a “cohesive strategy for tidal and nontidal wetlands across the watershed...” (pg. 9).

In addition to the recent drafting of individual [State Riparian Buffer \(RFB\) Action Strategies](#), the [2022 Chesapeake Riparian Forest Buffer Leadership Workshop](#) enumerated recommendations that the Partnership can advance in the near and long term in response to the ‘Charting a Course to 2025’ findings. A few general recommendations uplifted here for consideration are: (1) “Exploring the potential to tie Action Strategy implementation to Milestone reporting to be monitored by CBP; (2) Facilitating cross-boundary collaboration to address common challenges; (3) Considering the development of coordinated recommendations to improve Conservation Reserve Enhancement Program (CREP) agreements and identify other opportunities through the new Farm Bill; and (4) Identifying federal funding streams that could be dedicated specifically to RFB implementation” (pg. 2). Each State RFB Action Plan has specific activities to advance this critical Outcome.

Recommendation:

Relying on the work already completed by the Forest Buffer and Wetlands Actions Plans, charge the PSC to approve within six months the specific actionable items for each jurisdiction to accelerate the implementation and close the progress gaps for water quality restoration. This should include identifying champions in each jurisdiction responsible for leading the effort, outlining the short and longer-term funding needs, establishing ambitious yet reasonable expectations of progress by 2025, and incorporating stakeholder feedback.

Additionally, the Scientific and Technical Advisory Committee’s recent ‘Comprehensive Evaluation of System Response’ (CESR) report as well as the Bay Program’s internal ‘2023 Strategy Review System Biennial’ report bring forth incredibly valuable lessons learned from the decades of the Chesapeake Watershed restoration effort. There is a wealth of well-informed and timely recommendations for the Partnership to discuss and incorporate into this upcoming year’s Beyond 2025 Steering Committee work. As we celebrate the 40th Anniversary of the Chesapeake Bay Program, the Partnership has the resources to be responsive and strategic to the changing environment. As your stakeholder advisors, we support you to assert leadership in advancing these reports to action.

Incentivize Protection of Existing Forests and Wetlands

Many of the Goals and Outcomes in the 2014 Chesapeake Bay Watershed Agreement focus on restoration activities. These are key actions that help to direct the many agencies and organizations working collaboratively toward meeting Agreement Goals and the drive behind the jurisdictions’ Watershed Implementation Plans (WIPs). However, restoration should not outweigh the importance of conservation and protection of existing habitats that are already providing highly effective ecosystem services to mitigate the impacts of climate change, stormwater, and locally cherished places that engender stewardship.

Jessica M. Blackburn, Committee Coordinator

612 Hull Street, Suite 101C | Richmond, VA 23224 | (804) 775-0953 | jblackburn@allianceforthebay.org

Given that we know protection costs less than restoration and that there are financial, technical, and social barriers to the restoration of wetlands, forest buffers, and tree canopy, a dedicated practice to conservation should be a cost-savings priority for the jurisdictions. Specifically, for wetlands, we urge the Governors of Virginia, Maryland, and Pennsylvania to resist any potential attempt to roll back state-level protections of wetlands in light of the recent Supreme Court case, *Sackett v. EPA*.

While most new development individually impacts small portions of land, the cumulative impacts of development not mitigated by existing regulatory criteria across the watershed have a large impact overall on communal and ecosystem benefits of tree canopy and wetlands. We call attention to the need to protect forest buffers along corridors slated for stream restoration projects, forests on smaller parcels vulnerable to development, and small headwater woodlands. Better engagement and outreach on how environmental protection is a viable economic resource for local communities will be necessary. We urge you to prioritize and incentivize the protection of existing mature forests and wetlands and ensure the compliance and monitoring of the regulations intended to protect these highly-valued ecological resources. To that end, we offer these near-term opportunities:

Recommendations:

We strongly recommend the continued and sustained funding for the high-resolution land-use and land-change data and analysis, so local governments can rely on complete assessments of existing and trending losses of tree canopy and wetlands for land-use decision-making.

We encourage the Executive Council to work with the Chesapeake Watershed Congressional Delegation to ensure the next Farm Bill adequately supports Chesapeake Bay restoration and conservation Goals outlined in the 2014 Chesapeake Bay Watershed Agreement. Additionally, we encourage the Governors and DC Mayor to commit to preserving forests and wetlands by enhancing their conservation programs and identifying matching funds for potential Farm Bill conservation provisions.