



**Citizens Advisory Committee**  
TO THE CHESAPEAKE EXECUTIVE COUNCIL

September 22, 2022

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The Honorable Michael S. Regan  
U.S. EPA Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan,

Created in 1984, the Citizens Advisory Committee (CAC) works cooperatively, and on a nonpartisan basis, to advise the Chesapeake Executive Council on restoration and protection of the Chesapeake Bay Watershed. As independent volunteers, we travel throughout the watershed to meet with agency representatives, thought leaders, and practitioners to discuss issues impacting the ecosystem and local communities. We learn from diverse communities and organizations about their economic and social connections to the health of their local waterways. Through these interactions we witness innovative programs that produce valuable results. We also learn about emerging issues that would benefit from Chesapeake Bay Program's (CBP) unique ability to tap into science and cross-jurisdictional guidance and policy for the watershed.

The CAC represents a diversity of stakeholders across the Chesapeake Watershed and embraces the shared value of a healthy, sustainable watershed for all of the residents who live and work in our region. We appreciate that substantial progress toward the Bay restoration has occurred and we recognize the many persons, organizations, agencies and others who have made a difference.

We acknowledge the challenging work which remains. In that regard, we take our volunteer time seriously to watch over the progress being made on the aspects of the restoration effort that can foster and strengthen the health of our ecosystem and quality of life for watershed residents. We aim to offer the Program Partnership meaningful insights and suggestions that can be translated into policy changes or concrete actions that we strongly believe would help accelerate the progress as we approach the 2025 deadline for practices in place to meet the water quality targets and goals of the *Chesapeake Watershed Agreement*.

In preparation for the Chesapeake Executive Council 2022 annual meeting, below we offer our top three recommendations of issues and opportunities for (1) Progress Toward the 2025 Deadline and Beyond, (2) Inclusive Engagement Fostered by Volunteer Stipends for Wage Replacement, and (3) Large-Scale Solar Development as an Emerging Issue in the Chesapeake Bay Watershed.

Respectfully submitted,

Julie Patton Lawson  
Chair, Citizens Advisory Committee



Chesapeake Bay Program  
A Watershed Partnership

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**Citizens Advisory Committee**  
TO THE CHESAPEAKE EXECUTIVE COUNCIL

**2022 Citizens Advisory Committee Annual Recommendations  
To the Chesapeake Executive Council  
(Issued September 22, 2022)**

Since the December 2021 Executive Council meeting, the Citizens Advisory Committee has held quarterly meetings and panel discussions, hosted virtual learning sessions, updated our bylaws, and discussed our role in advancing DEI both internally and at the Chesapeake Bay Program. We have heard from a variety of local, state and federal representatives; NGOs; and representatives of business and industry. Based on these discussions, the following recommendations are respectfully submitted to the executive leadership of Chesapeake Bay Program.

**Progress Toward the 2025 Deadline and Beyond**

We believe the decades-long effort to restore and protect our national treasure, the Chesapeake Bay and its watershed, is at a crucial moment. Public trust and confidence will hinge on the Executive Council's leadership and transparency as we approach the 2025 deadline for the *Chesapeake Bay Watershed Agreement*. As your independent advisors, we see that the challenge to meet in the next two years is confirming the credibility of the Chesapeake Bay Program. CAC believes this is accomplished in two fundamental ways: (1) clearly communicating progress and adapting to new approaches not envisioned when the last *Agreement* was signed, and (2) following through on the promise of accountability for the Bay TMDL water quality outcomes.

First, the CAC supports the Executive Council's resolution to charge the Principals' Staff Committee to assess the CBP's science, restoration and partnership. As a part of that work, we encourage a comprehensive examination of the *2014 Chesapeake Watershed Agreement* to inform and communicate the continued effort after the 2025 deadline. We suggest addressing key questions, for example: What about the *Agreement* worked? What didn't work well? What was the accountability factor that made it different from previous *Agreements*? What challenges emerged that we could not envision in 2014 and how will they be addressed? A clear understanding and communication about these lessons learned will help to engender public trust and investment in the effort beyond 2025.

Secondly, the CAC calls on the membership of the Executive Council for strong leadership. To the signatory states, we encourage you to prioritize watershed recovery in the next two years by delivering on the promise of enforcement of existing regulations and verification of practices. Particularly for states with budget surpluses, invest in your environmental agencies by hiring the staff required to fulfill their mission to protect human health and waterways. To the Environmental Protection Agency (EPA), we strongly support your authority afforded by the federal Clean Water Act to increase inspections, enforcement, permitting oversight and other "backstops" to help the signatory states advance progress on water quality targets. In our view, the credibility of the Chesapeake Bay Program depends on the strong leadership of the EPA to coordinate the accountability for the billions of dollars taxpayers contribute toward a healthy and productive Chesapeake ecosystem.



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**Recommendation: Prioritize the Chesapeake Bay Watershed recovery by hiring agency staff to enforce existing regulations, target priority practices with co-benefits, and provide technical assistance for implementation. Confirm the credibility of the Chesapeake Bay Program with transparent accountability to the *Chesapeake Bay Watershed Agreement* and steadfast reliance on state and federal environmental authorities.**

Additionally, we respectfully disagree with the August 5, 2022, letter issued to the EPA on behalf of the State Agricultural Secretaries with a request for a funding course correction that would divert new Chesapeake Bay Program funds away from the Small Watershed and Innovative Nutrient and Sediment grant funding programs. The CAC supports the Congressionally appropriated process that allows funding to be competitively distributed to NGOs for on-the-ground implementation in local communities. We believe the current process provides stringent project oversight, ensures timely and cost-effective expenditures of funds, and leverages additional resources for local impact and ownership in the restoration effort.

### **Inclusive Engagement Fostered by Volunteer Stipends for Wage Replacement**

As stated in our August 8, 2022, letter to the Chair of the Executive Council, the CAC strongly supports the August 2020 Chesapeake Executive Council (EC) *Statement in Support of Diversity, Equity, Inclusion and Justice*, where the following commitments are articulated:

- “The Chesapeake Bay Program partners believe the full diversity of people who live, work and recreate in the Chesapeake Bay Watershed have a right to benefit from, **and help guide**, the future of an environmentally and economically sustainable Chesapeake Bay watershed...”
- The partnership commits 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.”
- Furthermore, it is stated the partnership will “Ensure the benefits of our science, restoration and **partnership programs are distributed in a fair and equitable manner without adverse, disproportionate impacts on vulnerable populations**, especially those of lower economic status, indigenous, historically underrepresented communities and people of color.”

**Recommendation: Help advance the CBP’s commitments to DEIJ by providing stipends to eligible volunteers of the Advisory Committees and Chesapeake Bay Program workgroup members who are not paid by their jobs to participate. A CBP financial priority to support volunteer stipends is an actionable solution to a barrier of inclusive engagement by intentionally uplifting the voices of traditionally excluded watershed residents.**

Additionally, volunteer stipends demonstrate commitment to the DEIJ Action Statement endorsed by your Principals’ Staff Committee 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” and Advance DEIJ through Mission-Related Work by, “...incorporating community leaders’ input into decision-making and implementation...”

The vast majority of the Chesapeake Bay Program partnership is populated by state and federal agency staff with some members from the NGO community. There are key CBP workgroups, for example the Diversity and Stewardship workgroups, and the Citizens Advisory Committee that provide valuable input from residents with



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community-level experience and perspectives. The volunteer nature of these groups tends to favor participation from environmental professionals, employees with company pro bono paid time off, or retirees. Members who do not fall into those categories often must take personal time off from their jobs to participate in committee work. This unintentional bias limit or even precludes participation from small nonprofits, community advocates and grassroots organizations, including those led by BIPOC members.

Internally for the CAC, we believe a volunteer stipend will help advance CAC's internal DEI by allowing members who are eligible (approximately 25% of the CAC membership) for volunteer time compensation to have additional time for the internal CAC operations and deliberations, thereby increasing access to CAC decision-making, CAC leadership positions, and opportunities for interaction with CBP leadership. Traditionally, this level of participation has been limited to only the members who can financially afford it. The opportunity to replace wages through paid committee activities will help break down the existing system where only those who can afford to participate are able to give freely of their time to CBP-related work, and subsequently create more equitable access to CBP leadership and power.

The CAC's most recent panel discussion hosted during our September 2022 quarterly meeting focused on equitable access to grantmaking. Through internal discussion and panel participation, we have identified a number of barriers and potential solutions to important resources and funding mechanisms that can help support capacity building of frontline communities seeking to engage residents in environmental stewardship. We look forward to sharing these findings with you and your staff in the coming months.

## **Large-Scale Solar Development as an Emerging Issue in the Chesapeake Bay Watershed**

The CAC believes renewable energy is a positive move toward reducing greenhouse gases from fossil fuels to address climate change and reduce our dependence on foreign oil. We strongly support the 2021 [Chesapeake Executive Council: Directive No. 21-1 Collective Action for Climate Change](#) that calls on the Chesapeake Bay Program to utilize their scientific, modeling, monitoring and planning capabilities to prioritize the communities, working lands and habitats that are most vulnerable to the risks of a changing climate.

In May 2022, the CAC hosted a panel discussion about land use and water quality impacts of large-scale solar development in the Chesapeake Bay Watershed. According to the Solar Energy Industries Association, the solar industry is set to quadruple over the next decade. We also learned from a recent national study co-authored by the Ohio State University Agricultural and Resource Law Center and West Virginia University College of Law that farmland is often the preferred location for new solar development.

The CAC views large-scale solar development as an emerging issue that, without proper planning and understanding, could have an impact on the CBP Partners' ability to meet a number of the *Chesapeake Watershed Agreement* Goals and Outcomes including, but not limited to: (1) Water Quality and 2025 Watershed Implementation Plan Outcome; (2) Forest Buffers Outcome; (3) Protected Lands Outcome for wetlands and forest land; and (4) Stream Health Outcome. Now is the time to create a watershed-wide approach to large-scale solar development for near-term and future planning beyond the 2025 TMDL deadline. The CBP is uniquely structured in that it can learn from its partners and proactively craft common sense policy for the future.

**Recommendation: Convene the Chesapeake Bay States and relevant federal agencies to coordinate a watershed-wide approach to planning for large-scale solar development in our region. CBP guidance of best practices informed by science and a comprehensive look at solar development practices and policies will help meet the demands of renewable energy while also protecting the high-quality ecosystem functions,**



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**sustainable agriculture, and water quality targets outlined in the *Chesapeake Bay Watershed Agreement*, the 2025 Chesapeake Bay Watershed TMDL, and beyond.**

The CAC identified the following topics that would benefit from cross-jurisdictional learning and the development of CBP guidance on watershed-wide large-scale solar development:

- Involvement of agricultural leaders in renewable energy decision making to:
  - Understand the potential long-term impact on agricultural soils that could be used for sustainable farming, providing food and healthy soils that capture carbon;
  - Craft policies that protect prime soils for agriculture;
  - Understand trends and prepare for potential increased leasing costs for farmers due to land competition in areas where solar development is occurring;
  - Incentivize dual-use agricultural practices, like agrivoltaics and pollinator strips;
- Understand and address competing policies between state and local governments that can complicate the solar development process;
- Understand long-term impacts on forests, which clean air, capture carbon, filter water, control erosion, and sustain biodiversity, habitat and recreation;
- Create guidance for mitigation measures for solar conversion on farms or forest land greater than 50 acres;
- Create a watershed-wide distinction of pervious or impervious surface on solar development to manage stormwater impacts and adapt decision-making models;
- Create guidance to decommission the panels after their life cycle; and
- Create policies that promote equity in solar development and benefits.

We wish to thank the Executive Council for your leadership in watershed recovery. Please look to us, your advisors, to help bring forward the insights of many stakeholders in our region. At your direction, we look forward to the Bay Program's acknowledgement and response to these recommendations and the continued discussion. We support you to take bold and innovative action to protect and restore the Chesapeake Bay Watershed for the benefit of our environment and the residents in our region.