Stakeholders' **A**dvisory **C**ommittee
TO THE CHESAPEAKE EXECUTIVE COUNCIL

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

Speakers/Guests Present: Kate Fritz, Amy Handen, Lucinda Power, Kathy Stecker, Kristin Saunders, Erin Vesey, Leila Duman, Denicer Wardrop, Harry Huntley, Frank Dawson, Melissa Ehrenreich, Meg Cole, Rachel Felver, Pat Thompson

Meeting presentations and materials are located at:
Stakeholders' Advisory Committee Quarterly Meeting (February 2025) | Chesapeake Bay Program

Thursday, February 20, 2025
The Stakeholders' Advisory Committee Chair, Abel Olivo, called the meeting to order at 11:00 AM. The meeting objectives are to (1) Receive updates and discuss opportunities for the Stakeholders' Advisory Committee to advise and impact the revision of the *2014 Chesapeake Bay Watershed Agreement*; (2) Learn and discuss priority topics of the Indigenous Conservation Council for the Chesapeake Bay; (3) Gain a better understanding of "sandboxing" and its potential to help advance water quality and living resource goals; and (4) Prepare advice for *Watershed Agreement* Outcome Revisions.

Business Meeting
- The December 2024 Quarterly Meeting minutes were approved as submitted.
- Newly elected Chair Abel Olivo, shared some insight into his leadership style and how he believes that this is an important moment for the Committee to influence the next iteration of the *Watershed Agreement.* He also shared the results of the "Member Advice to New Leadership" survey.
- Julie provided updates on the Membership & Governance Subcommittee, including:
  - Aligning elections with other subcommittees.
  - Developing a succession plan, leadership role descriptions, and an anonymous survey to address participation barriers.
  - Future consideration of open elections for Chair and Vice-Chair, instead of a predetermined slate of nominees.
  - Operationalize bylaws and values to foster a culture of belonging and establishing meeting norms.
  - Supporting candidate identification when there are vacant seats.
- Kate Fritz, CEO of the Alliance for the Chesapeake Bay, reaffirmed the Alliance's support for the Committee and its members. Kate also announced a pause on recording quarterly meetings used for note-taking with the possibility of resuming in the future.

Chesapeake Bay Program Updates
Lucinda Power, Branch Chief, CBP Partnerships and Accountability
　　Lucinda Power reviewed the 2024 EC Charge, tasking the Principals' Staff Committee (PSC) with revising the *2014 Watershed Agreement* and streamlining the CBP partnership by Dec. 31, 2025. The PSC will update key sections, with each signatory delegation submitting comments to the PSC Chair (MD). The Management Board (MB), in coordination with Goal Implementation Teams (GITs) and Workgroups, will review outcomes and recommend actions for PSC approval. Lucinda's presentation includes a link to the timeline process for 2025.
　　Lucinda provided general updates on the PSC's response to the Committee's 2024 recommendations to the Executive Council: (1) The PSC is working to define formal engagement roles for the Advisory Committees to ensure

alignment with their missions, and once finalized, the Committees will have a chance to review. Regarding need-based honorariums, members expressed frustration over the lack of an official response from the MB, despite repeated requests over two years. They stressed the importance for the MB to acknowledge and respond to official requests in a timely manner. (2) On accountability measures for water quality targets, Lucinda reaffirmed the Partnership's commitment to meeting targets, anticipating updates before 2030 with the rollout of the Phase 7 modeling tools. While she could not confirm when the partnership would set a new Bay TMDL deadline, she committed to keeping the Committee informed. She also noted that a Phase 4 of the WIPs is possible, though that decision rests with the EPA. Members suggested setting an interim deadline that does not depend on the Phase 7 model in case of delays. When asked whether signing the Bay Agreement requires full commitment to all outcomes, she clarified that jurisdictions are not obligated to support every outcome. (3) Finally, Lucinda announced that the CBP is supportive of convening a forum with community organizations, the EPA, and the Advisory Committee to address barriers to grant access as well as how to increase community engagement.

Member Questions & Discussion
- ❖ *GIT Funding Process and budget transparency*: FY26 GIT funding will be revisited, with a focus on streamlining and transparency for the process. However, there are no plans to reinstate a Budget Steering Committee. Currently, 80% of funding goes to the states with the remainder supporting cooperative agreements.
- ❖ *NFWF Grants and timeline for the Requests for Proposals (RFP):* NFWF annually awards competitive grants with funding allocated after congressional authorization and appropriation. The Small Watershed Grants RFP is delayed until late March or Early April, pending budget approval or another Continuing Resolution to avoid unnecessary proposal effort if funding is not available.
- ❖ *Watershed Agreement Revision Public Comments and Community Outreach:* The CBP Communications Team, is putting together a strategy similar to the Beyond 2025 Phase 1 public feedback period using a comments email address There will not be formal responses to comments
- ❖ *Outside Perspectives on Governance and Organizational Restructuring:* The CBP is open to outside expertise and participation but at this time, there are no plans nor a budget to bring in a third-party consultant. The Partnership will rely on the STAC's social science workgroup for their expertise.
- ❖ *Accountability in Watershed Agreement Outcomes:* The partnership has not yet discussed accountability for each outcome, but building measures within the outcomes is a good recommendation. Members clarified that robust accountability should include both transparency and consequences – and that consequences were the components not being addressed.

Watershed Agreement Vision, Preamble, and Principles
Leila Duman, Bay Restoration Officer, MD Department of Natural Resources
      Leila discussed Maryland's leadership role in the Partnership as Chair of the EC and PSC, with a primary focus on keeping all signatories engaged and meeting the EC Charge for Phase 2 Beyond 2025 . She emphasized the importance of improving communication with the Advisory Committees and highlighted Maryland's commitment to every goal and outcome in the *Watershed Agreement.* Leila highlighted the need to elevate conservation as a core principle of the Partnership by incorporating it into as many outcomes as possible. She stressed that this approach is essential to protecting the investments already made in restoration projects.
      Leila shared her thoughts on what it means to "center people" in the Bay Program's work. Acknowledging that while the CBP excels in natural sciences and data, it hasn't effectively incorporated social sciences or ensured that the communities impacted by its work are informed and considered in decision-making. Leila asked for the Stakeholders' Committee's input on this issue. Members emphasized the need to "bring the table to the people," focusing on prevention rather than cure. They discussed better engagement with communities disconnected from the Bay, such as in DC, upper PA, and WV, and with NGOs that can help connect the CBP to these communities. They also pointed out that public comment periods aren't the most effective tool and stressed the importance of building direct, on-the-ground connections to demonstrate CBP's commitment to people and make information more relatable to their priorities, like health outcomes, rather than just Bay-related issues.

Leila provided feedback on the Stakeholders' Committee's 2024 recommendations: (1) Regarding better engagement between the PSC and the Advisory Committees (ACs), she noted that MD Secretary Josh Kurtz, Chair of the PSC, supports this idea, especially with the new Agriculture Advisory Committee. She emphasized the importance of understanding each AC's strengths and how to better incorporate them into the Partnership structure. (2) On TMDL goals, she stated that Water Quality outcome will be key to determining progress, and there is a strong desire from MD to include an accountability aspect. (3) Leila also confirmed MD's support for convening a forum of CBP partners to address barriers to grants for smaller community-based organizations. She highlighted MD's efforts to create a "one-stop-shop" for grant access via Grant Gateways and noted the value of prioritizing tributary-based conservation.

Introduction to the Indigenous Conservation Council of the Chesapeake Bay
Melissa Ehrenreich, Executive Director, ICC

Melissa provided a brief overview of the history of indigenous peoples in the Chesapeake Bay watershed and the recent formation of the Indigenous Conservation Council (ICC). The ICC is currently composed of the six federally recognized tribes in the Chesapeake Bay region, all of which happen to be situated in Virginia. Melissa emphasized these tribes do not represent stakeholders or the general public, they are Sovereign Nations that hold a unique legal status in the United States.

Melissa referenced the UN Declaration of Rights of Indigenous Peoples which empowers the ICC to operate with "free, prior, and informed consent" and withhold or withdraw consent or negotiate projects that impact their territories. She highlighted the importance of federal grant funding for these tribes, and noted the impact of the Administration's federal grant freeze on the tribes.

Melissa discussed what the incorporation and application of indigenous knowledge could look like. She also introduced the idea of creating an "ethical space" - a place for knowledge systems to interact with mutual respect, accepting that all knowledge is equal and that no single system has more weight or legitimacy than another. It is an attempt to create a bridge of dialogue and understanding between Western and Indigenous knowledge systems.

Members asked how tribes in the ICC interact with the Bay TMDL and whether they have agencies similar to a Departments of Natural Resources or Environment Melissa explained that federally recognized tribes that are eligible for funds can place their lands in trust and gain more influence over water quality issues. She added that EPA grants support tribal nations in carrying out work similar to that of a state DNR and the ICC helps build capacity to leverage additional funding.

What Is and What Is Not Sandboxing?
Phoebe Higgins, Director of Nature and Markets, Environmental Policy Innovation Center

Phoebe provided an overview of "sandboxing" and its potential application in the Bay restoration effort. She explained that a regulatory sandbox is a controlled space created by regulators to test novel products or processes under supervision to ensure no harm is done before they fully enter the marketplace . The process is meant to involve learning and adapting as it progresses. Sandboxing creates a competitive marketplace for innovation, helps increase access to funding, and assists in lowering costs upon rollout.

Sandboxing Panel Discussion
Denice Wardrop, Executive Director, Chesapeake Research Consortium
Laura Cattell Noll, LGAC Coordinator, Alliance for the Chesapeake Bay
Harry Huntley, Agriculture Policy Lead, Environmental Policy Innovation Center

Each panelist spoke about opportunities and challenges for sandboxing in the Chesapeake Bay Watershed and provided practical examples for its application. Denice Wardrop, co-editor of the Comprehensive Evaluation of System Response (CESR) Report, explained that despite slight improvements in water quality, only 30% of the required TMDL reductions have been achieved. Nonpoint source pollution has seen just a 6% reduction, leaving 50 million pounds of excess nitrogen to address. She emphasized the need for technical and policy innovation highlighting sandboxing as a valuable tool. The current nonpoint source accounting relies solely on Best Management Practice (BMP) implementation, because the Chesapeake Assessment Scenario Tool (CAST) model system

incentivizes counting BMPs rather than the actual outcomes. CAST's broad assumptions about BMP efficiency limit learning and alternative approaches. She suggested that sandboxing could provide jurisdictions with financial incentives to reduce loads while allowing flexibility to explore new, more effective methods.

Harry Huntley sees sandboxing as a valuable tool for testing new approaches in the watershed and accelerating progress toward the *Watershed Agreement's* ambitious goals. He emphasized the need for flexibility while maintaining clear safeguards. He suggested starting with crediting methodologies, noting that Virginia is working with technical experts and funding projects that, while not recognized by CAST as BMPs, still achieve significant load reductions. Since these efforts currently don't count toward the TMDL, he proposed a mechanism within CBP to credit them, making pay-for-performance approaches viable. He also pointed out that while existing regulations prevent harmful projects, they can also block innovative solutions. To address this, he recommended legislative exemptions for "net nature positive" projects to better enable sandboxing.

Laura Cattell Noll illustrated how sandboxing can drive innovation with an example from Montgomery County, MD. The county's successful riparian buffer tree planting campaign faced a major challenge under MS4 grant requirements which mandated inspections of all 15,000 trees every three years, and cost $4 million to complete. To reduce this burden, local officials proposed a regulatory sandbox exemption, allowing them to sample a portion of the trees and extrapolate the overall health of the buffers. This approach saved both time and money while still ensuring effective monitoring.

Members asked how to approach their recommendation regarding sandboxing or pay-for-performance. Harry suggested that a recommendation to the EC should state that if Virginia's pay-for-performance program scores an 8 or higher, the CBP should count it. He also emphasized the need to streamline and simplify the program, including faster crediting of innovative practices not recognized by CAST. Some members inquired about the monitoring aspect of sandboxing. Denice explained that current monitoring requires numerous points to demonstrate standard attainment, which may be excessive. She recommended that the Committee advocate for scaling back accountability monitoring and redirect some of the focus to learning from sandboxing. Other members expressed concern that without collective buy-in from the CBP, states may adopt their own methods separately.

Friday, February 21, 2025
The meeting was reconvened at 8:30AM.

Coordinator's Report
Jess reviewed key accomplishments from 2024, recent collaboration and near-term opportunities with the other Advisory Committees, and a quarterly outline of 2025 Committee activities. Abel asked Jess to begin future Day 2 meetings with the Coordinator's reports.

Member Reflections from the Previous Day
Members emphasized the importance of including Tribal Nations in the Bay Program, recognizing their status as sovereign nations with unique legal standing. Some members expressed reservations over the challenges in forming an Indigenous Advisory Committee, pointing to the initial funding challenges that the Agriculture Advisory Committee faced. However, members expressed broad support to incorporate Indigenous representation into the CBP, with one member stating that questioning their eligibility is akin to questioning if DC or West Virginia should be included in the Partnership. There was a suggestion if the Stakeholders' Committee should extend an offer for a "member at large" position to the ICC, though this is not a long term solution and the ICC has made clear that they do not see themselves as "stakeholders" but as sovereign nations.

Regarding sandboxing, there was general recognition of its potential as a tool to allow for innovation and accelerate progress, particularly regarding crediting non-BMP projects. Some concerns were raised on the unintended consequences from sandboxing projects that fail and harm the environment as a result, potentially undoing achieved progress. Overall the Committee appeared to support sandboxing if it is done carefully with clear guardrails.

David expressed his appreciation for the Stakeholders' Committee's advice to the new leadership, noting how the Committee's wealth of experiences and diversity of perspectives is a significant strength. He wondered if the Committee is fully utilizing its experience and knowledge. He emphasized the importance of exploring key topics like

land use conservation and public engagement, and expressed concern that the Committee's advice is often condensed into a single paragraph that is relayed to the Executive Council. He encouraged the Committee to consider what they can produce that will shift the Chesapeake Bay Program in the same way the CESR report did.

Members discussed the pros and cons of recording the meetings including the potential implications of AI used to search for topics. The majority of the members support resuming recording of the meetings for accuracy of meeting minutes. The recordings can be deleted after the draft minutes are approved.

Subcommittee Break-out Sessions: Comments on Outcome Briefing Documents
Members were asked to pause on their annual priority topics to discuss the Outcome Briefing Documents in preparation for the Feb 27th Management Board "pulse check".

- *Water Quality Subcommittee:* The Subcommittee reviewed the Water Quality Standards Attainment and Monitoring Outcome and identified several opportunities for innovation, supporting the recommendation to update the goal. They assessed the 2017 WIP Outcome and agreed that it should be removed. However, they suggested updating the 2025 WIP Outcome by adding an interim deadline while maintaining the current goals until new ones are established. Additionally, the Subcommittee supports the recommendation to update Forest Buffers Outcome recognizing it as an undervalued goal. They stressed the importance of forest buffer maintenance and agreed with the inclusion of long-term objectives in the outcome.
- *Conservation and Land Use Subcommittee:* The subcommittee agreed with the recommendation to consolidate the Land Use and Metrics Outcome with the Mapping Outcome. They support updating the Land Use Options and Evaluation Outcomes. They recommended inserting watershed planning into the language but were unsure to what scale that would be. They discussed a green area ratio as a possible component but there is no consistent baseline for that across the watershed. They questioned the necessity of the "high ecological value" language in the Healthy Watersheds outcome, discussing the original intent to protect places already healthy versus the need to improve degraded places. They considered the merits of consolidating Urban Trees and Forest Buffers outcomes under a broader Healthy Watersheds Outcome. The subcommittee also considered whether the establishment of Watershed Health GIT could be a mechanism to help fund tributary teams.
- *Stewardship and Engagement Subcommittee:* The Subcommittee agreed Stewardship Outcome should be updated. They emphasized the importance of keeping stewardship and engagement as a major component but recommended listing it as an output across other GIT teams. They questioned the disconnect on how the goal is to create more volunteers, but the number of volunteers is not counted. They found Tree Canopy Outcome definition to be too narrow and suggested changing "urban" to "community", highlighting the need for a tool like EJ Screen to help prioritize areas for tree canopy projects.

Action Items:
- ➔ Post all presentations including the slides from the Coordinator's report
- ➔ Subcommittee comments will be used to reflect the Committee's disposition on the next round of Outcome revisions. Members will receive updates on the revisions during upcoming virtual briefings.
- ➔ There is continued interest in the outreach strategy for *Watershed Agreement* public feedback
- ➔ Continue to push for an answer on the question of need-based honorariums
- ➔ Continue to talk about and refine the recommendations to the states to use a local river-basin / tributary approach for the next phase of WIPs
- ➔ Follow up with Leila on ideas to help with a CBP forum on grant access
  - ◆ Daphne will reach out to Lucinda on the action learning model as a potential element of the forum
- ➔ Continue to become more informed about the structural mechanics of expanding the EC to include sovereign tribal nations before the Committee takes a position on the issue
  - ◆ Puget Sound partnership might be a good place to learn more; as well as Lake Champlain and the Great Lakes region
- ➔ Share the full timeline of the *Agreement* deadlines