

PSC RESPONSE to the SAC 11-19-24 letter to the Executive Council

March 14, 2025

Mr. Abel Olivo
Chair, Stakeholders' Advisory Committee
3013 Parkway
Cheverly, Maryland 20785-3154

Re: Principals' Staff Committee Response to the Stakeholders' Advisory Committee Recommendations

Dear Chairperson Olivo:

On behalf of the Chesapeake Bay Program's (CBP) Chesapeake Executive Council (EC) and as Chair of the Principals' Staff Committee (PSC), I want to thank you and the Stakeholders' Advisory Committee for your thoughtful recommendations (letter dated November 19, 2024). In addition, I would like to express my gratitude for the advice offered during the private EC session and the subsequent public meeting and thoughtful presentations all three Advisory Committees have offered during recent Management Board and PSC meetings. We are pleased by the increased engagement we've built between our respective committees over this past year, such as intentional time set aside on meeting agendas to amplify your expert advice and engagement with members. We hope you have seen significant improvement in the ways the Program has tried to incorporate and consider your feedback.

The PSC very much appreciates the opportunity to respond to these recommendations and stands ready to assist the Stakeholders' Advisory Committee in fulfilling its annual priorities. Please find as follows the PSC's responses to each of your recommendations. The PSC and the larger CBP partnership look forward to working with the Stakeholders' Advisory Committee on implementing these recommendations.

SAC Recommendation 1: Articulate Engagement Opportunities with the Advisory Committees

Building on the momentum started earlier this year, the Stakeholders' Committee recommends that the PSC begin 2025 by releasing a statement on the Advisory Committees. Such a statement could affirm the unique role of each individual Advisory Committee, highlight opportunities for collaboration with the full partnership, clarify the duties of the Advisory Committee Chairs as non-voting members of the Management Board (MB) and PSC, and document plans for deeper collaboration.

PSC Response to Recommendation 1:

The PSC agrees the roles of the Advisory Committees are critical and their unique member perspectives make the partnership stronger and better informed. As part of the EC Charge, *Charting a Course Beyond 2025*, the partnership is actively engaged in a review of the structure, governance, and process components of our work. It is our intent that this review explores ways to better consider and factor in the advice of the Advisory Committees into the partnership's collaboration, processes, and decision making. The PSC invites the Advisory Committees' specific suggestions on how to more effectively and formally engage the Advisory Committees into the partnership's efforts going forward beyond 2025. This should include clear affirmations of the roles and responsibilities of the Committees

and their members, who serve on a voluntary basis. We understand the Stakeholders' Advisory Committee is already engaging in these conversations, and we welcome and will continue to seek input from all Advisory Committees to ensure that the definitions are reflective of your Committees' mission, scope of work, and talents. We also recommit to the practice of building in specific consultation with Advisory Committees during the Beyond 2025 Phase II process and continuing to program agenda time at future PSC and Management Board meetings to interact with the Advisory Committees. Finally, we encourage ongoing interaction between the Advisory Committees and Goal Implementation Teams (GITs) as the need arises.

SAC Recommendation 2: Confirm Accountability to Water Quality Targets

The Stakeholders' Committee emphasizes the importance of responsibility to and accountability for the jurisdictions to meet all of the water quality and living resources goals of the Watershed Agreement and the Bay TMDL, including the Conowingo Watershed Implementation Plan (WIP). We understand that setting a new deadline for achieving the Bay TMDL is a complex undertaking made more uncertain by modeling and other technical needs and challenges, system lag times, land use changes, climate, and a potential additional approach to tiered implementation for shallow waters. Realistic timeframes for monitored water quality attainment in the deep channel are estimated in decades.

Recent reports highlight the need for strategies to address nonpoint source pollution, including the 2023 Office of Inspector General Report: [EPA Should Update Its Strategy, Goals, Deadlines, and Accountability Framework to Better Lead Chesapeake Bay Restoration Efforts](#). We acknowledge in EPA's September 15, 2023 response to the IG report that the EPA Region 3 will "lead the Chesapeake Bay Program in developing a new strategy to specifically address nonpoint source pollution" (pg.2). In addition to encouraging the jurisdictions to fully and consistently use the existing regulatory and enforcement authorities, we encourage you to set an ambitious target for implementing the existing WIPs to provide public assurance and accountability to the water quality goals until the new targets are finalized. Specifically:

- We strongly encourage the Bay Program to commit by the end of 2025 to a new deadline for implementation of the existing Watershed Implementation Plans as a part of the revision of the Watershed Agreement.*
- Additionally, we recommend revising the water quality accountability framework to include a new near-term deadline for the Bay TMDL and a nonpoint source pollution reduction strategy.*

PSC Response to Recommendation 2:

The PSC agrees that meeting our water quality and living resource goals in an accountable and transparent way is extremely important. The partnership is committed to achieving the 2025 water quality goals and to the continued implementation of the Accountability Framework to benefit the living resources and communities in the watershed. As part of implementing and fulfilling the EC Charge, the Water Quality GIT is holding discussions, in collaboration with EPA, which include revising the existing

2025 and interim 2017 Water Implementation Plan (WIP) Outcomes and their deadline for achieving the partnership's water quality goals and implementing 100% of the practices planned under the states' WIPs. If these discussions should result in a new way of framing and stating the Outcome for Water Quality that differs substantially from the current approach, we will still embrace measurable, timebound, and transparent outcomes with strong accountability. We will also be examining the accountability framework with an eye toward any necessary updates including the interest expressed by the Beyond 2025 Steering Committee to look at multiple lines of evidence beyond modeling to track accountability. As you mentioned in your recommendation letter, establishing a new deadline is a complex undertaking and the partnership needs time to investigate, synthesize, and incorporate new scientific data and information. To that end, the existing 2025 water quality goals will also be updated before 2030 with the application of the Phase 7 suite of modeling tools, and this may pose the opportunity to revise any associated deadlines based on the best available information. In the meantime, jurisdictions will continue to implement their Phase III WIPs and develop and implement two-year milestones.

A large portion of this implementation will continue to come from the agricultural sector where much has been achieved but we recognize that many more opportunities exist. We anticipate increased guidance and support on strategies for accelerating implementation of agricultural practices and programs through the newly established Agricultural Advisory Committee.

SAC Recommendation 3: Support Locally Driven Watershed Plans that Incorporate Land Conservation

We uplift an important healthy watersheds consideration from the [Beyond 2025 Steering Committee's Small Group Findings](#) to elevate conservation and stewardship as key guiding pillars for the Chesapeake Bay Program- "Leverage knowledge of local, state, and federal programs to conserve 30% of the land by 2030, achieve longer-term goals, and build an interconnected network of conserved landscapes". (pg 14) We believe tributary-based watershed restoration and conservation plans informed by Chesapeake Bay Program land use tools would prioritize areas that are most vulnerable to development and climate change to protect habitats and water quality and address local nonpoint source pollution.

- *We recommend the jurisdictions approach their next phase of Watershed Implementation Plans to support locally driven river basin strategies to delist a target number of rivers by a future date with interim milestones along the way. This approach should include initiatives to engage communities, officials, watershed and conservation groups, land trusts, and local service providers to incentivize and allocate funds for the protection of tributaries with an emphasis on existing forests and wetlands.*

PSC Response to Recommendation 3:

The 2024 EC Charge elevated "conservation" as one of the four pillars to the larger partnership (e.g., Science, Restoration, Conservation, and Partnership). The PSC is currently exploring through the Outcome review process how exactly to incorporate and operationalize conservation into our work across the program and revisions to the 2014 *Chesapeake Bay Watershed Agreement (Agreement)*. In addition, the jurisdictions and EPA will be working closely over the next several years in setting expectations for the next iteration of the WIPs. Participation of communities and conservation

organizations to incorporate local priorities into these WIPs have been a driving factor in achieving our collective water quality and broader conservation goals. Furthermore, we agree that a more meaningful connection should be drawn between state and local plans and that community driven conservation and restoration is essential to our success. As you describe in your recommendations, “tributary-based restoration” approaches are a promising encapsulation of locally driven WIPs. While we are not in a position to commit to them at this time, we encourage the Stakeholders’ Advisory Committee to collaborate with the Local Government Advisory Committee and Water Quality GIT to increase engagement on this topic as new targets are set and the next iteration of WIPs are developed. We also encourage you to help us identify specific ways we can meaningfully engage and incorporate locally driven ideas from community partners into these plans.

SAC Recommendation 4: Increase Engagement of Community-Based Organizations by Lowering Grant Barriers

Since our 2022 report on [Equitable Access to Grant Awards and Administrative Practices](#), we have heard that entities distributing Chesapeake Bay related funding pass through non-negotiable federal and state requirements as provisions of administering grants. A clear understanding of where grant reporting requirements originate, a conversation about barriers and potential solutions, and the identification of administrative flexibility could help to increase engagement of Community-Based Organizations, thereby advancing the Watershed Agreement’s Stewardship and Diversity Outcomes. Specifically,

- *We recommend the Chesapeake Bay Program partners convene a forum and action-oriented workgroups with members of the Stakeholders’ Committee and include agency leaders, prevalent bay watershed foundations, and federal and state contractual, budgetary, and financial officials to identify and implement institutional and procedural changes to grant application and administrative requirements that lower barriers for Community-Based Organizations.*

PSC Response to Recommendation 4:

The PSC agrees that we want to meaningfully broaden the spectrum of organizations that compete for grant funding and make sure organizations are poised to access them fairly and with clear understanding of the opportunities that exist to fund community-based restoration and conservation work. We have taken steps to implement some ideas, including widely sharing information about grant opportunities and holding office hours to consult with organizations who have encountered barriers or lack capacity to apply for and manage grant funds. We also have funded community capacity building through our grant programs to directly address some of the concerns you have raised. But there is certainly more that can be done. Recognizing that we are all facing uncertainty around grant funding, we would like to propose tackling a subset of the 2022 report’s recommendations and forming a team of state and federal grant specialists to work with the Stakeholders’ Advisory Committee on exploring how we might implement a discrete set of recommendations with a subset of agency grant programs. The PSC commits to working with the Stakeholders’ Advisory Committee, EPA, and other funders to begin sketching out the scope, purpose, and content for such a forum once an initial set of ideas is ready for

consideration. We acknowledge the administrative hurdles that grant programs can pose to grant applicants and recipients, and we see the value in clearly articulating opportunities for overcoming these challenges to ensure grant funding reaches as wide a community audience as possible, and to achieve the maximum environmental and economic benefit.

We thank you again for your commitment to restoring the Chesapeake Bay and its local waterways as well as for your past and continued participation in the Beyond 2025 process. Your ongoing engagement and representation of the perspectives of stakeholders and residents across the watershed are invaluable contributions that make our partnership stronger and more successful as we amend the *Agreement* for the future.

Sincerely,

Josh Kurtz
Chair, Principals' Staff Committee