



## Stakeholders' Advisory Committee

TO THE CHESAPEAKE EXECUTIVE COUNCIL

August 30<sup>th</sup>, 2024

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sent via email: [comments@chesapeakebay.net](mailto:comments@chesapeakebay.net)

Re: Stakeholders' Advisory Committee's feedback on the draft report outlining a critical path forward for the Chesapeake Bay Program partnership Beyond 2025 (draft B25 report).

Dear Beyond 2025 Steering Committee,

Thank you for the opportunity to review the Beyond 2025 Steering Committee's recommendations to the Chesapeake Bay Program (Bay Program) Principals' Staff Committee (PSC). Members of the Stakeholders' Advisory Committee (Stakeholders' Committee) have been involved in and closely observed this process since its inception and appreciate the hard work, passion, and dedication of the Steering Committee and other participants. We note with gratitude that in many cases the work of Steering Committee members has been in addition to their "day jobs."

We fully appreciate the demands of this effort and the many thought leaders who contributed toward the completion of the 2022 charge from the Bay Program Executive Council (EC). The Stakeholders' Committee believes it is entirely appropriate that the Pathways document includes a list of notable accomplishments, it is the view of our membership that conditions within the Bay and its Watershed would be substantially worse were it not for the *2014 Chesapeake Bay Watershed Agreement (2104 Watershed Agreement)* and the efforts of the jurisdictional and federal partners. We also believe that as the next phases of this work unfold, embracing a deep value to Bay Program operational transparency now and in the future will enable the broader watershed community's ability to co-create a path forward with shared ownership and commitment.

As your independent advisors representing a sample of the watershed's stakeholders, we respectfully offer feedback around the following overarching themes: Recommitment;

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Streamlining; Bay TMDL; Social Science; Conservation; Diversity and Inclusion; Tracking/Accountability; and Report Language.

Elaborated below, our membership strongly supports both of the Steering Committee's overarching recommendations to the Executive Council.

**1. The Stakeholders' Committee strongly encourages the Executive Council to quickly affirm its continued commitment to meet the goals of the Chesapeake Bay Watershed Agreement as expressed in EC Recommendation #1.**

(Note: We reject the notion that the EC's directive to undertake the Beyond 2025 process constitutes of itself such an affirmation.) Related to this, we believe the Bay Program should define what successful watershed restoration looks like, given the *Comprehensive Evaluation of System Response* (CESR) report's assertion that the Chesapeake Bay of the future will not resemble the one of the past because of population growth, land use changes, and a changing climate. It is necessary that the Bay Program be adaptive and revise the next version of the *2014 Watershed Agreement* in response to changing conditions.

We recommend that:

- a. The Executive Council charges the PSC to lead an evaluation and revision of the current 10 goals and 31 outcomes within one year and identify suggested changes to bring to the EC at their 2025 meeting. This review and revision should:
  - i. Continue to allow the signatories to opt-in or opt-out of outcomes as stipulated through the *2014 Watershed Agreement*;
  - ii. Adapt the partnership's outcomes as needed to be more compatible with future landscape conditions, changes in climate, population growth, imported pollutant loadings, and projected land use changes;
  - iii. Center equity and inclusion; and
  - iv. Develop a multi-benefit strategy that simultaneously addresses water quality, climate change, toxics, and community resilience.

**2. The Stakeholders' Committee supports strengthening the Chesapeake Bay Program with measures to simplify and streamline the partnership's structure, process, and governance as addressed in EC Recommendation #2.**

As previously stated in our comments on the ERG report, the findings demonstrate how large and complex the bureaucracy of the CBP has become – while continuously failing to meet the water quality goals at the core of the TMDL. We remain uncertain how the current structure can drive the actions necessary to meet all of the goals. Furthermore, if the Bay Program embraces supporting local implementation, then it should define for itself the concept of network science and assess its capacity to tap into existing networks and trusted sources. Designing a new streamlined structure to make the Bay Program a central hub in a network out to local implementers would magnify local impact. We recommend that:

- a. By December 2025, facilitate a process to streamline decision-making, eliminate duplicative systems, and ensure the Bay Program is structured to advance the tenets of the Agreement's Vision of an "environmentally and economically sustainable Chesapeake Bay watershed with

clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged stakeholders.”

- b. Address barriers within the structure of the Bay Program to elevate living resources and prioritize stakeholder engagement. Considerations include:
  - i. reviewing funding programs and increasing equitable access to grants for community-based organizations;
  - ii. meaningfully engage all federal leadership with consistent convenings of the Federal Leadership Committee; and
  - iii. meaningfully engage with the Advisory Committees.

We offer below feedback and insights on specific considerations in the draft B25 report:

**3. The Stakeholders’ Committee believes the EC should adopt a new deadline for achieving the goals of the Bay TMDL that will not be achieved by 2025.**

We note with concern the draft report’s lack of details on the Bay TMDL beyond 2025. We believe the final report should be more explicit about a renewed commitment to the water quality accountability framework and a new near-term deadline for the Bay TMDL. As is reflected in many watershed organizational stakeholders’ thinking, we recommend:

- a. By the 2025 Executive Council Meeting, assess the current TMDL Accountability Framework, including the Conowingo Dam Watershed Implementation Plan, and identify opportunities for additions and improvements to ensure the signatories are meeting their clean water commitments, including:
  - i. Fully and consistently utilize existing regulatory and enforcement authorities;
  - ii. Fully and consistently implement the Accountability Framework;
  - iii. Clearly define the different roles of EPA Region III and EPA Chesapeake Bay Program to ensure broad and consistent enforcement of the Clean Water Act and authorities under other EPA statutes;
  - iv. Develop an implementation structure that is mutually accountable to ensure progress toward all the goals and outcomes in the *2014 Watershed Agreement*;
  - v. Develop effective local river basin implementation strategies to delist a target number of rivers by a future date with interim milestones along the way;
  - vi. Continue 2-year milestone reporting frequency for Watershed Implementation Plans to maintain accountability for jurisdictions and decision-makers and streamline the reporting process to shorten the time it takes EPA to publish their evaluations; and
  - vii. Reinstate the EPA Senior Advisor of the Chesapeake Bay and Anacostia River.

**4. Need for Greater Clarity in Bay Program Plans to Employ Social Science Resources.**

The draft B25 report recommends the Bay Program utilize and support “social science” to help achieve its objectives as noted in each of the sections in ‘Science’ pg.10, ‘Restoration and Conservation’ pg.12, and ‘Partnership’ pg.14. While we support this in general, we offer some observations and reservations.

In the first place, we note that “social science” is a broad and sometimes amorphous cluster of distinct – sometimes mutually inconsistent – fields of research and analysis. The different fields of social science can be divergent in approach, methodology, orienting assumptions, modes of problem formulation, and operationalization of applicable variables and research constructs. There is significant methodological divergence even within basic, well-recognized disciplinary categories such as economics, sociology, geography, anthropology, and psychology. The framing of social science in the draft B25 report seems to imply specific forms of social science that we think should be articulated to reflect what approaches would be applied to specific issues, questions, or topical domains.

Additionally, we caution that Bay Program social science research needs to be conceived, designed, and conducted in a manner that: (1) includes diversity within the research team itself; (2) is sensitive to community values and perceptions; and (3) is designed with anti-racism tenets and conducted to avoid harming over-researched, under-engaged communities.

As written, some within our membership fear that the term “social science” might be limited to behavioral science and other disciplines that have historically been used to manipulate, marginalize, and damage communities of color. In regards to the potential use of social science as a tool to engage with specific communities—regardless of race, but with specific consideration towards the legacy of social sciences with communities of color—we offer the following observations and concerns:

- a. The Bay Program should devise a social science agenda that is developed by a diverse panel of social scientists, including those who research in partnership with communities, rather than “on” communities. This effort will not only guide the research, but it will also help advance the understanding of social sciences amongst the Bay watershed community.
- b. If social science intersects with engaging marginalized and impacted communities of color to “spur stewardship, drive restoration and conservation momentum” as stated in ‘Partnership’ recommendation #4, then the Bay Program should:
  - i. First address the internal inclusion and belonging issues before trying to influence these communities (more below);
  - ii. Recognize that social science has a legacy of causing harm and distrust in communities who perceive themselves as over-researched by academia and under-engaged in the decisions impacting their lives. This applies to both communities of color as well as rural residents. In regards to behavior change programs, in particular, it is essential to problematize targeting of communities of color by a predominantly white workforce.
  - iii. Prioritize research conducted in partnership with communities to ensure that the goals of the research are community-driven, rather than Bay Program-driven. It is difficult for us to envision using social science to “drive restoration” (e.g., Bay Program priorities) in communities that are just trying to survive. Moreover, relying only on

academics as a primary source of knowledge and solutions makes community members feel like they are being studied and manipulated.

**5. The Stakeholders' Committee supports the draft B25 report's emphasis on conservation and land use and the high-level considerations that focus on nearshore habitats and better incentives for practices that maximize benefits to living resources and people.**

We support the reasoning that “Adoption [of] a more holistic approach to addressing emerging challenges requires a strategic approach both before and after restoration practices are implemented on the ground. More strategic planning and prioritization could optimize the impact of our restoration investments and enable leveraging of new funding sources.” We note that:

- a. In our 2022 Recommendations to the Executive Council, we acknowledged this idea and encouraged the Bay Program to “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, sustainable agriculture, and water quality targets.” Since then, the development of data centers and transportation corridor expansion have emerged as new and compounding challenges.
- b. Bay Program data and modeling tools can and should be designed for easy application in local scale planning tools, comprehensive multi-year planning exercises, zoning analyses, and other contexts through which conservation-related objectives can be addressed.
- c. Additionally, we recommend the Bay Program develop an implementation structure with increased emphasis on characterizing watershed health at the local level as well as the entire basin that relies on monitoring data sources.
- d. The *Charting a Course to 2025* report recommended fast-tracking existing action plans, including “Keystone interventions are Forest Buffers and Wetlands, and each now has new action plans crafted by state jurisdictions and their partners. These action plans have spatial components that can inform the design and selection of implementation projects for greater targeted impact.” Given buffers and wetlands are critical to water quality, living resources and climate resilience, we strongly recommend technical assistance and incentives to accelerate. These outcomes are well positioned to advance pay for performance approaches.

**6. The Stakeholders' Committee supports the draft B25 report's overall emphasis on Diversity, Equity, Inclusion and Justice (DEIJ).**

We offer the following recommendations to improve the Bay Program's commitment to inclusive and meaningful engagement of people and communities that have been historically underrepresented, under-resourced and underserved. We recommend the Bay Program clearly define the audience of “local level” and work with those audiences to co-develop strategies of equitable and meaningful engagement. While we especially applaud ‘Partnership’ recommendation #3, we feel strongly that it should:

- a. Explicitly address factors that continue to impede the ability of small, minority groups to:

- i. Independently access Bay Program grant resources;
- ii. Effectively and independently administer Bay Program grants, like Small Watersheds, Innovative Nutrient and Sediment Reduction, and Capacity Building Grants Programs. Specifically, we recommend that:
  - 1. The EC directs the PSC to lead a Partnership-wide effort to identify key factors that frustrate community-level groups in their administration of Bay Program grant funding.
  - 2. Consistent with grant administration concerns, this effort should involve Federal, State, Departmental, and Agency grants officers, legal counsel dealing with contracts and grants, and relevant officials from oversight bodies such as OMB, DCAA, and state-level counterparts.
  - 3. This effort should address all factors that inhibit community group's ability to efficiently administer grants including regulatory and OMB prescriptions.
- b. To bolster capacity, particularly in the form of administrators and program staff with expertise in leading organizational and social change towards diversity, inclusivity, equity, and justice, who can:
  - i. Acknowledge and address how the Bay Partnership's internal operations and interactions have left BIPOC and other minority participants feeling unwelcome, ignored, or unsafe. In this context, it is particularly important that the Bay Program demonstrate the value of the DEIJ statement by first committing to equity, inclusion, and belonging internally by and through leadership-level DEIJ expertise that is capable of recognizing, handling, and responding to biases, microaggressions, and other forms of discriminatory behavior.
  - ii. Consistent with this, we recommend that the EC direct the PSC to work with Agency Personnel staff within the Partnership to develop Principles of Engagement (POE) for all Bay Program meetings and fora. These POE, co-created by those who have experienced exclusionary behavior, would define appropriate modes of interaction, frame a complaint process, and outline appropriate resolution and management interventions.
  - iii. Recognize that operationalization of the DEIJ Implementation Plan has been a slow and halting process and needs to ramp-up quickly.

**7. The Stakeholders' Committee strongly supports commitments to improving progress-tracking and accountability; accelerating efforts to reduce nonpoint source pollution; prioritizing conservation as a main goal; and clearly communicating progress as addressed in the Steering Committee's high-level recommendations under the Restoration and Conservation section.**

## **8. Need to Simplify Report Language**

While generally well-written, the draft B25 report has a tendency to rely on terminology that is technical and perhaps obscure to many readers. As noted above, we feel the terms "social science" and "local level"

should be more fully defined. Similarly, ‘Restoration and Conservation’ recommendation #1 calls for a “systems approach” to help formulate new approaches to Bay restoration and stewardship. Please further define what is meant by a “systems approach.” Explain for instance, why and how Bay Program activities conducted between 2014 and the present were not systematic in their approach and application and what needs to be done moving forward. ‘Restoration and Conservation’ recommendation #3 calls for a “holistic” approach to planning and accountability. Is a “holistic” approach the same as a systems approach? Finally, ‘Partnership’ recommendation #1 also refers to a “systems approach,” but in this instance grounds the term within a logic model proposed to help evaluate the Bay Program’s governance and structure.

We respectfully submit the Stakeholders’ Committee feedback with the hope of full consideration by the Beyond 2025 Steering Committee and the PSC. As always, we welcome follow-up discussion on elements of our letter. We are eager to be engaged in the future phases of the work. We believe that over 40 years of the Bay Program’s learning and experience, the Partnership is perfectly poised to respond to the shifting current of the Bay watershed movement’s collective desire and adaptive approach for a healthy and sustainable Chesapeake Bay watershed.

In partnership,

A handwritten signature in dark ink, appearing to read 'C. Herrick', written in a cursive style.

Dr. Charles Herrick  
Chair, Stakeholders’ Advisory Committee