



CHESAPEAKE BAY FOUNDATION

Saving a National Treasure

July 24, 2023
De'Marcus Robinson
Ocean Policy Fellow
White House Council on Environmental Quality
730 Jackson Place
Washington, D.C. 20503

Re: Request for Information on an Ocean Justice Strategy (88 Fed. Reg. 37518 (June 8, 2023))

Dear De'Marcus Robinson:

The Chesapeake Bay Foundation (CBF) is a 501(c)(3) non-profit organization with over 200,000 members, whose mission -- carried out from offices in Maryland, Virginia, and Pennsylvania -- is to restore and protect the ecological health of the Chesapeake Bay, the nation's largest and one of its most vital estuaries. The Chesapeake Bay watershed spans six states and the District of Columbia and is 64,000 square miles with 11,684 miles of shorelines. Of the 18 million people in the watershed, 10 million people live along or near the Bay's shore. Many communities within the watershed have borne the brunt of rapid development and discriminatory policies in fisheries and other sectors, and as a result are bearing a disproportionate burden of environmental harm. In addition, many African Americans in the watershed have well-established cultural and economic connections to the Chesapeake Bay and its tributaries. Unfortunately, numerous barriers were historically placed upon these communities, which reduced their economic success and eventually drove many of them off the water and resulted in significant economic harm to their communities. We are pleased to see, and are supportive of, the Council on Environmental Quality's (CEQ) work to develop an Ocean Justice Strategy and offer the following comments to the questions presented by CEQ in the Request for Information notice¹:

¹ 88 Fed. Reg. 37518 (June 8, 2023).

Definitions. What is ocean justice? How do you define ocean justice in the context of your community and your work?

We support the definition put forth by the Ocean Justice Forum:

Ocean Justice exists at the intersection of social inclusion, ocean stewardship, and justice. It harnesses a power shift advancing the voices, full participation and leadership of historically excluded Peoples and Black, Indigenous, people of color (BIPOC) communities in ocean decision-making, ensures meaningful and equitable engagement of all communities, and delivers equal access to healthy and prospering shorelines and oceans for all.²

CBF is actively working to address environmental injustices in the Bay watershed that cause disproportionate pollution and harm to communities of color that are economically under-resourced. CBF aims to dismantle unfair systems and support communities to lead and participate in the decision-making processes that affect their environmental and social well-being. For CBF, ocean justice is working with the communities along the coastlines by acknowledging the past injustices they have suffered and working to ensure they are part of the decision-making process and prioritizing responses to protect the waterways that eventually lead to the ocean.

Barriers to Ocean Justice. What are the barriers to realizing ocean justice? What key challenges do you face in achieving ocean justice? What ocean justice challenges do you see as central to Federal Government action?

As noted above, many communities within the watershed have borne the brunt of rapid development and discriminatory policies in fisheries and other sectors, and as a result are bearing a disproportionate burden of environmental harm and are less likely to live in areas with access to beaches, trails, or waterfront areas. These communities are still experiencing barriers that have made it hard or even barred them from participating in the federal decision-making process including (1) exclusion throughout the regulatory process, (2) inadequate federal resources, and (3) inequitable distribution of federal resources.

Throughout the regulatory process these communities have been excluded due to a variety of factors, not limited to, a lack of transparency that a federal action is being considered, not being given a seat at the table during the

² [Ocean Justice Forum: An Equitable and Just Ocean Policy Platform](#) (Sept. 2022).

decision-making process, and not being seen as a long-term partner once a project is completed.

Additionally, historically excluded communities do not see adequate federal resources and if they do, the resources are inequitably distributed. For instance, historically, underserved communities have experienced many barriers to starting successful aquaculture businesses like lack of federal funds and technical assistance. Current programs should be enhanced, or new opportunities provided where federal resources are distributed equitably to members of underserved communities to help them more successfully engage in aquaculture opportunities along our coasts. Overcoming these barriers will be key to achieving ocean justice.

Opportunities for Ocean Justice. What elements, activities, and components should the Ocean Justice Strategy include? What injustices related to the ocean should the Federal Government better address? What successful regional or local efforts to remedy past harms or advance ocean justice should be applied nationwide? What examples do you have of instances when the Federal Government made a just decision related to the ocean, and how might that be scaled up or broadened? What does ocean justice in Federal actions and decision-making look like in practice?

The Ocean Justice Strategy should explicitly state that Indigenous peoples and BIPOC communities need to have prior and informed consent for design and implementation of management policies, sustenance rights, and overall protections of oceans and local waterways, where applicable. Additionally, when possible, we need to uplift communities that depend on ocean industries like fisheries and acknowledge that their economies are sustained by these resources therefore, any federal action impacting the ocean industry will have direct consequences on these communities. The Federal government needs to acknowledge that local and traditional knowledge of places, conservation practices, and community livelihoods is valuable and should be considered in the decision-making process.³

Research and Knowledge Gaps. What are the research and knowledge gaps that we need to address for the Federal Government to create and advance an effective Ocean Justice Strategy and take equitable and ambitious action?

There needs to be greater research into the socio-economic impacts of climate change so they can be mitigated. For instance, due to warming waters

³ See, e.g., [Local knowledge can turn global goals into nature-positive reality](#) (Oct. 6, 2022); [Ocean Justice Forum: An Equitable and Just Ocean Policy Platform](#) (Sept. 2022).

fish stocks are shifting and productivity is changing so how do we address the sunken capital and existing seafood industry infrastructure going forward and limit impacts to coastal communities dependent on the fishing sector to support their economy.

Increased and sustained monitoring throughout our ocean and coastal regions are necessary to understand the impacts of climate change and evaluate whether ocean-based climate solutions are having the intended mitigation and resiliency impacts, which requires funding. More specifically, additional ecological and mechanistic modeling is needed to help regulators understand the important thresholds or tipping points to be able to better predict species and habitat responses to climate change impacts and incorporate that type of risk assessment into the decision-making process. For example, the Atlantic States Marine Fisheries Commission is developing a risk and uncertainty policy which considers biological, ecological, and social scores to determine an acceptable level of risk in decision-making. This work should continue.

Resources are needed to help managers process the information and understand how to apply the predictions to their management decisions.

Tools and Practices. How can the Federal Government harness existing environmental justice tools and practices, such as the Climate and Economic Justice Screening Tool (CEJST), EJ Screen, and EnviroAtlas, to answer questions about justice in ocean policy? What new tools and practices are necessary to advance ocean justice?

We encourage the Federal government to use screening tools that exist at the state and federal level that look to identify communities impacted by environmental injustices by using economic, environmental, and health datasets. For instance, the Environmental Protection Agency's (EPA) EJSCREEN or the White House Council on Environmental Quality's Climate and Economic Justice Screening Tool. The states in the Chesapeake Bay watershed also have their own state tools focused on identifying communities underserved and overburden by pollution. The use of these tools can be helpful in identifying communities to engage with and where resources should be directed.

Partnerships and Collaboration. What ocean justice solutions can or should be led by non-Federal entities? Where and how can the Federal Government partner with Tribal, Territorial, State, and local governments, as well as external stakeholders across regions and sectors, to effectively remedy past harms and advance ocean justice?

The clean-up of the Chesapeake Bay watershed is a unique collaboration by federal and state governments, along with non-governmental organizations, and can serve as model for how large multi-jurisdictional collaborations can incorporate ocean and environmental justice. In 2014, the Chesapeake Executive Council, with representatives from seven federal agencies and from the states in the watershed as well as the District of Columbia, signed the Chesapeake Bay Watershed Agreement.⁴ In the Agreement, the partners outline principles to guide their work, including on environmental justice: “Promote environmental justice through meaningful involvement and fair treatment of all people, regardless of race, color, national origin or income, in the implementation of this Agreement.”⁵ In January 2020, the Agreement was amended to reaffirm that restoring the Bay must include opportunities for all who call this region their home.⁶

Thus, from early on, the partners working to restore the Chesapeake Bay, including organizations like CBF, who are not formal partners to the Agreement, have also been working to promote environmental justice in the watershed. This agreement highlights the breadth of partnerships required to commit to restoring a watershed and also, how federal agencies along with state partners, can help prioritize environmental and ocean justice in partnerships similar to this.

We would recommend that the federal government lean on CBF and other partners who have been working on-the-ground with communities for decades to help disperse information regarding federal opportunities for funding, training, technical assistance, etc., but more importantly that the federal government use existing partners to connect the administration with communities that do not typically have access to federal decision-makers. These communities need to have the opportunity to have their voice heard and be offered a seat at the table; one of the ways to make this connection is through existing partnerships.

Additionally, the federal government must recognize that working with communities cannot be seen in terms of years but rather must be seen as a long-term partnership that should be sustained, even if federal funding lapses. This means setting communities up with the tools to obtain funding and work past a certain date.

⁴ [2014 Chesapeake Watershed Agreement](#) (amended Jan. 24, 2020).

⁵ Id.

⁶ Id. (“Identify stakeholder groups not currently represented in leadership, decision-making or implementation of current conservation and restoration activities and create meaningful opportunities and programs to recruit and engage these groups in the partnership’s efforts.”).

We are thankful for the opportunity to weigh in on an Ocean Justice Strategy and look forward to continuing to work with the Administration to advance principles of equity, inclusion, and justice throughout the Chesapeake Bay watershed.

Sincerely,

A handwritten signature in black ink that reads "Keisha Sedlacek". The signature is written in a cursive, flowing style.

Keisha Sedlacek
Federal Director
Chesapeake Bay Foundation