



Chesapeake Rising

Innovative Law and Policy
Solutions for Climate Adaptation
in Coastal Communities

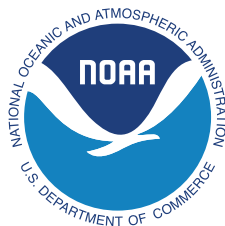
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Chesapeake Rising: Innovative Law and Policy Solutions for Climate Adaptation in Coastal Communities

April 2, 2025 | Georgetown Climate Center

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Front cover design: Jill Gallagher, Maryland Sea Grant

Maryland Sea Grant College
University System of Maryland
5825 University Research Court, Suite 1350
College Park, Maryland 20740
T 301.405.7500 | F 301.314.5780
www.mdsg.umd.edu

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Symposium Background and Purpose

The Chesapeake Bay region is facing a myriad of challenges brought on by changing climate conditions. Sea level rise, extreme storm events, flooding, erosion, and other effects of a variable climate are tightly linked to coastal community sustainability. This intersection of a changing environment and community cohesion prompted Maryland Sea Grant (MDSG) to consider legal and policy discussions surrounding the Chesapeake Bay region's coastal adaptation strategies, as well as scholarship and current legal and policy gaps identified in work supported by the National Sea Grant Law Center. To address these gaps, MDSG collaborated with the Georgetown Climate Center (GCC), the Environmental Law Institute (ELI), and the University System of Maryland's Agriculture Law Education Initiative (ALEI) to host a one-day symposium, *Chesapeake Rising: Innovative Law and Policy Solutions for Climate Adaptation in Coastal Communities*. The symposium provides a forum for participants to hear from experts and engage in action-oriented conversations focused on innovative approaches to coastal adaptation to increase community viability.

Symposium Goal

To advance the understanding of current legal issues, barriers, and strategies for climate adaptation in the Chesapeake Bay region.

Symposium Objectives

1. Explore pressing coastal adaptation issues through the lens of law, science, and policy, focusing on identifying gaps in legal scholarship.
2. Engage early career lawyers and advanced law students through their participation in a symposium and in researching and writing law articles.
3. Facilitate cross-cutting collaboration and legal scholarship in coastal adaptation by bringing together law and policy experts, scientists, early career lawyers, and students to engage in discussions, network, and form partnerships to advance innovative approaches.

Symposium Outcomes

1. Identify key adaptation law and policy issues in the Chesapeake Bay region and potential pathways to solutions.
2. Generate a series of law journal articles for the *Sea Grant Law & Policy Journal*.
3. Highlight project findings to advance innovation in laws and policies to facilitate community resilience in the Chesapeake Bay region.

Chesapeake Rising:

Innovative Law and Policy Solutions for Climate Adaptation in Coastal Communities

April 2, 2025

Georgetown Climate Center • 500 First St. NW, Washington, DC

SYMPOSIUM AGENDA

8:30 a.m.

CHECK-IN

*Check in for nametag and table assignment. Network with fellow attendees.
Light refreshments available.*

9:00 a.m.

WELCOME REMARKS

Fredrika Moser, Director, *Maryland Sea Grant*

Kate Zyla, Executive Director, *Georgetown Climate Center*

Cathy Janasie, Research Counsel, *National Sea Grant Law Center*

9:15 a.m.

KEYNOTE ADDRESS

Serena McIlwain, Secretary, *Maryland Department of the Environment*

Introduction by: Kate Zyla, Executive Director, *Georgetown Climate Center*

SESSION 1: Governance Frameworks in the Chesapeake Bay Region

9:45 a.m.

EXPERT PANEL

Experts explore federal, state, and local governance in the context of how law and science shape regional coastal adaptation policy.

Panelists:

Jay Ford, Virginia Policy Director, *Chesapeake Bay Foundation*

Anna Killius, Executive Director, *Chesapeake Bay Commission*

Emily Steinhilber, Director, Climate Resilient Coasts and Watersheds, Virginia,
Environmental Defense Fund

Moderator: Joshua Saks, Adaptation Program Director, *Georgetown Climate Center*

10:30 a.m.

Break

10:45 a.m.

RESEARCH PRESENTATIONS

State-Level Resilience Governance: The Evolution of Virginia's Chief Resilience Officer

Kim Wood, Fellow, *Georgetown Climate Center*

Empowering Tangier Island: A Community-Led Managed Retreat for Cultural Preservation and Climate Adaptation

Elisabeth Nguty Nkeng, Law Student, *Emory University School of Law*

An Overview of Coastal Climate Adaptation Litigation in the Chesapeake Bay Region

Kai Hardy, Deputy State's Attorney, Addison County, *Vermont Department of State's Attorneys and Sheriffs*

Moderator: Kerry McClaughry, Law and Policy Fellow, *Maryland Sea Grant*

11:15 a.m.

BREAKOUT DISCUSSION

Nicole Cook, Environmental and Agricultural Faculty Legal Specialist, *Agriculture Law Education Initiative, University of Maryland Eastern Shore*

See **Breakout Discussions** on p. 8 for more information.

12:00 p.m.

Networking Lunch

Lunch will be available until 1:30 p.m.

12:30 p.m.

KEYNOTE ADDRESS

Vicki Arroyo, Professor from Practice, *Georgetown Law*

Introduction by: Sandra Thiam, Vice President, Research & Policy, *Environmental Law Institute*

SESSION 2: Place-Based Adaptation in the Chesapeake Bay Region

1:30 p.m.

EXPERT PANEL

Experts explore water and wetlands law and science in the context of shaping coastal adaptation policy.

Panelists:

Steve Kline, President and CEO, *Eastern Shore Land Conservancy*

Molly Mitchell, Assistant Professor, *Center for Coastal Resources Management, Virginia Institute of Marine Science*

Jon Mueller, Director, *Environmental Law Clinic, University of Maryland Carey School of Law*

Moderator: John Doherty, Science and Policy Analyst, *Environmental Law Institute*

2:15 p.m.

Break

2:30 p.m.

RESEARCH PRESENTATIONS

The Role of Critical Areas in Preserving the Chesapeake Bay

Kathleen Gagnon, Juris Doctor, *University of Maryland Carey School of Law*

The Aftermath of Coastal Wildfires and the Revocation of Environmental Policies in Australia and the United States

Sydney Schuster, Student, *University of Maryland Carey School of Law*

Addressing the Dynamic Problem of Saltwater Intrusion in the Agricultural Region of Maryland's Lower Eastern Shore

Bill Shultz, Student, *Georgetown University Law Center*

Moderator: Kerry McClaughry, Law and Policy Fellow, *Maryland Sea Grant*

3:00 p.m.

BREAKOUT DISCUSSION

Nicole Cook, Environmental and Agricultural Faculty Legal Specialist, *Agriculture Law Education Initiative, University of Maryland Eastern Shore*

See Breakout Discussions on p. 9 for more information.

3:45 p.m.

EVALUATION AND CLOSING

Fredrika Moser, Director, *Maryland Sea Grant*

Nicole Cook, Environmental and Agricultural Faculty Legal Specialist, *Agriculture Law Education Initiative, University of Maryland Eastern Shore*

Sandy Thiam, Vice President, Research and Policy, *Environmental Law Institute*

Kate Zyla, Executive Director, *Georgetown Climate Center*

4:00 p.m.

WORKSHOP CONCLUDES

Breakout Discussions

In two breakout discussions, participants build upon the messages from the keynote speakers, panelists, and researcher presentations in the two sessions to help achieve the symposium's objectives and outcomes (p. 4). They may also provide input about the researchers' article ideas. Participants interested in submitting a law journal article to the symposium journal volume are encouraged to discuss this opportunity with symposium organizers.

Breakout Discussion 1: Governance Frameworks in the Chesapeake Bay Region

Breakout Discussion — 30 min.

- 1) Each participant individually takes 5 minutes to consider the question below and place their ideas on the Post-it notes provided at the table.
 - While listening to the morning session concerning governance frameworks in the Chesapeake Bay region, what federal, state, and county coastal adaptation and resilience law and policy gaps did you think of?
- 2) Each table will then select two to three critical gaps based on a short group discussion. Based on the selected gap, discuss the following question as a group.
 - What innovative approaches to coastal adaptation and resilience might address the identified gap(s)?
 - Consider such things as: adaptive zoning, public-private partnerships, insurance pricing, community-led resilience planning, scientific innovation, cooperative federalism, multi-jurisdictional synergies, the burden of financial responsibility, etc.
- 3) Repeat as time allows with remaining identified gap(s).

Input on Presented Law Articles — 15 min.

Please refer to Appendix A for law article abstracts.

The last 15 minutes of the breakout discussion are available for constructive input on the research presented by law article researchers. These comments will be aggregated and given to the researchers post-symposium.

- Are there other legal/science/policy/community issues the researchers should take into consideration?
- What recommended resources might help researchers further develop their law articles?
- Is anyone willing to contribute to the development of one of these law articles in this session through further discussions and/or mentorship?

Please feel free to include any other comments for the researchers.

Breakout Discussion 2: Place-Based Adaptation in the Chesapeake Bay Region

Breakout Discussion — 30 min.

- 1) Each participant individually takes 5 minutes to consider the question below and place their ideas on the Post-it notes provided at the table.
 - While listening to the second afternoon session concerning place-based adaptation in the Chesapeake Bay region, what local and individual place-based (e.g., municipalities, unincorporated areas, private properties) adaptation and resilience law and policy gaps did you think of?
- 2) Each table will then select two to three critical gaps based on a short group discussion. Based on the selected gap, discuss the following question as a group.
 - What innovative approaches to coastal adaptation and resilience might address the identified gap(s)?
 - o Consider such things as: nature-based solutions, wetlands law, insurance, individuals' property rights, pre- and post-extreme weather events, living shorelines, water quality and quantity, community health, access to healthy environment, sea level rise, climate change, etc.
- 3) Repeat as time allows with remaining identified gap(s).

Input on Presented Law Articles — 15 min.

Please refer to Appendix A for law article abstracts.

The last 15 minutes of the breakout discussion are available for constructive input on the research presented by law article researchers. These comments will be aggregated and given to the researchers post-symposium.

- Are there other legal/science/policy/community issues the researchers should take into consideration?
- What recommended resources might help researchers further develop their law articles?
- Is anyone willing to contribute to the development of one of these law articles in this session through further discussions and/or mentorship?

Please feel free to include any other comments for the researchers.

Project Overview

Pre-Symposium

Advanced law students and early career professionals were invited to submit paper ideas for the symposium and ultimately publication in the *Sea Grant Law & Policy Journal*. In this process, six papers were selected and the authors were invited to present at this one-day symposium.

Symposium

Project leaders and a steering committee developed this one-day symposium to advance the understanding of legal issues, barriers, and strategies to coastal community adaptation in the Chesapeake Bay region. The event consists of keynotes, panels, researcher presentations, breakout discussions, and evaluation.

- **Keynote Addresses**

Distinguished experts on law and policy issues in the regional adaptation landscape present themes and ideas for consideration throughout the event.

- **Expert Panels**

A panel of experts discuss the session topic (Governance Frameworks in the Chesapeake Bay Region; Place-Based Adaptation in the Chesapeake Bay Region). Each panelist presents for 10 minutes. Time for questions for the panelists follows.

- **Research Presentations**

In two lightning talk sessions, researchers (early law professionals and advanced law students) present their ideas for law journal articles to be published in the *Sea Grant Law & Policy Journal*. Presenters have 8 minutes to introduce their ideas and 2 minutes to answer questions. The breakout discussions will provide additional time for questions and input. Abstracts of the law articles can be found in Appendix A.

- **Breakout Discussions**

In two breakout discussions, participants build upon the messages from the keynote speakers, panelists, and researcher presentations in the two sessions to help achieve the symposium's objectives and outcomes.

- **Evaluation**

Participants complete a short online survey at the event's conclusion to capture symposium takeaways. Evaluation data will inform future work and strategies to advance law and policy development around coastal adaptation.

Post-Symposium and Article Submissions

Following the workshop, Maryland Sea Grant will produce a summary report highlighting key gaps and capturing the discussion outcomes. The presenting researchers will develop and publish research papers in the *Sea Grant Law & Policy Journal*. Publication is expected in 2026. Attendees inspired by the symposium discussions are encouraged to inquire about having their own law review articles published in the *Sea Grant Law & Policy Journal*. For more information, reach out to Kerry McClaughry at kerrymcc@umd.edu.

Acknowledgements

The symposium organizers and collaborators extend our thanks to the members of our steering committee and symposium organizing committees, who dedicated their time to help guide this event: Elizabeth Andrews, Denise Bright Dove Ashton-Dunkley, Annie Bennett, Caldonia Carmello, Jenna Clark, Nicole Cook, Caren Fitzgerald, Lauren Fremin, Kai Hardy, Cathy Janasie, Rebecca Kihslinger, Frank Lopez, Kerry McClaughry, Fredrika Moser, Pete Raffle, Joshua Saks, and Kate Zyla.

We would like to thank members of the Maryland Sea Grant team who were instrumental in putting this together: Mike Allen, Jeannette Connors, Kim Cox, Natasha de la Cruz, Jill Gallagher, Annalise Kenney, and Julissa Murrietta.

We would also like to thank our keynote speakers, Secretary Serena McIlwain and Professor Vicki Arroyo, for providing valuable remarks, and our esteemed panelists and moderators: John Doherty, Anna Killius, Steve Klein, Molly Mitchell, Jon Mueller, Joshua Saks, and Emily Steinhilber. We thank our researchers for their contributions to the discourse: Kathleen Gagnon, Kai Hardy, Elisabeth Nguty Nkeng, Sydney Schuster, Bill Shultz, and Kim Wood.

We greatly appreciate the help from all our facilitators and notetakers during this symposium.

Symposium Guidelines

Together, with the following guidelines, we can ensure that this workshop supports the free expression and exchange of ideas in environments that are positive and productive for all.

Treat all participants with respect, dignity, and consideration, in the spirit of valuing a diversity of views and opinions. We value all perspectives and encourage everyone to share. We are here to listen and understand. If you prefer not to answer, you can say “pass” or “pass for now.”

Discuss differences and constructive criticism in a non-confrontational manner with due regard for the viewpoints of others. Please note that disagreement is welcome for the purpose of understanding but not for convincing. Critique ideas, not individuals. Please actively listen to everyone. We ask that you avoid interrupting others when they are speaking. Please try to minimize distractions when possible.

Be considerate, respectful, and collaborative in your communication and actions. During this workshop we will be developing a shared language. It is always okay to ask what a word or phrase means or to ask for further clarification, as we will be asking the same of you. If you know you need to leave the meeting early, please let the project team, facilitator, or notetaker know ahead of time so we can allot your time first during breakout discussions.

Demearing, discriminatory, or harassing behavior and speech will not be tolerated. If you believe you are being subjected to inappropriate conduct, believe someone else is being subjected to inappropriate conduct, or have any other concerns, please do not hesitate to contact MDSG event staff who can work with MDSG leadership to resolve the situation. If the project team determines any behavior is inappropriate or violates the above guidelines, participants will be reminded of these ethics and/or asked to leave the meeting.

Keynote Speakers



Serena McIlwain

Secretary, *Maryland Department of the Environment*

Secretary Serena McIlwain was confirmed as the Maryland Department of the Environment's (MDE) 11th Secretary in March 2023. Prior to this appointment, McIlwain was undersecretary of the California Environmental Protection Agency. A lifelong resident of the Washington, DC, area, McIlwain worked in the federal government for 30 years, spending the first half of her career as an operations administrator and leading large organizations with billion-dollar budgets. Midway through her career, she transitioned to managing policy issues in the energy and environmental sector, holding senior executive positions at both the US Department of Energy (DOE) and the US Environmental Protection Agency (EPA). McIlwain was Chief Operating Officer/Deputy Assistant Secretary at DOE in the Office of Fossil Energy. At the EPA, she served as Assistant Regional Administrator in Region 9, San Francisco. With a broad and diverse background in the public sector, working for six executive branches of government, the legislative branch of government, and serving as a Fellow for a United States Congressman, McIlwain uses her experience to lead MDE. McIlwain's priorities include ensuring that Maryland is positioned to meet its aggressive climate goals, strengthening environmental protection efforts by ending systemic environmental injustices, restoring and protecting the Chesapeake Bay, and leading with the purpose of achieving organizational excellence.



Vicki Arroyo

Professor from Practice, *Georgetown Law*

Vicki Arroyo is a Professor from Practice at Georgetown Law, teaching courses in environmental law and in policy. From January 2021 through November 2024, she was appointed by President Biden to serve as Associate Administrator for Policy at the US Environmental Protection Agency, taking leave from Georgetown's faculty. From December 2008 through January 2021, Professor Arroyo launched and served as Executive Director of the Georgetown Climate Center, leading its work at the nexus of climate and energy policy, supervising staff and student work on climate mitigation and adaptation at the state and federal level. Professor Arroyo also served as the Law Center's first Environmental Law Program Director, where she helped develop and launch a new Environmental Law LLM degree program. She has also taught courses on environmental policy and climate change at Catholic University, George Mason University's graduate public policy program, and Tulane Law School. Previously, she was Vice President for Domestic Policy and General Counsel at the Pew Center on Global Climate Change for over a decade. She practiced environmental law with Kilpatrick Stockton in Washington, DC, and other firms and served in the Office of Air and Radiation and the Office of Research and Development at the U.S. EPA. From 1988 to 1991, she created and directed the Louisiana Department of Environmental Quality's policy office, and also served during some of that period as Governor Buddy Roemer's environmental advisor. She holds a bachelor's degree in biology, high honors, from Emory; a master's of public administration from Harvard, and a juris doctor degree, *magna cum laude*, from Georgetown Law, where she was Editor-in-Chief of *The Georgetown International Environmental Law Review*.

Panelist Biographies



Jay Ford

Virginia Policy Manager, *Chesapeake Bay Foundation*

Jay Ford is the Virginia Policy Manager for the Chesapeake Bay Foundation, where he develops and advocates for legislative and regulatory actions to further environmental protection and enhancement around the Commonwealth. Additionally, Jay is a managing partner in the Resilient and Adaptable Communities Initiative between Chesapeake Bay Foundation and Old Dominion University's Institute for Coastal Adaptation and Resilience. This General Assembly-created program helps communities all around Virginia plan for and adapt to climate change. Previously, Jay worked as the Executive Director for Virginia Eastern Shorekeeper, the Legislative Director for Virginia Voices for HealthCare, and as a Chief of Staff in the Virginia Senate to then-Senator Ralph Northam. He serves on the Virginia Land Conservation Foundation Board, and Virginia Coastal Lands Advisory Council. Previously, he served on Virginia's Environmental Justice Council, Virginia Soil and Water Conservation Board, and on Virginia's Climate Change and Resilience Commission. He studied at the College of William & Mary. Jay lives on Virginia's Eastern Shore, where he and his family own Shine and Rise, a regenerative farm.



Anna Killius

Executive Director, *Chesapeake Bay Commission*

Anna Killius joined the Chesapeake Bay Commission in 2023 as Executive Director. She previously served as Director of Advocacy for the James River Association and legislative counsel for Congressman John Sarbanes of Maryland, where she advanced his leadership as co-chair of the Congressional Chesapeake Bay Watershed Task Force. Anna has held appointments to the Chesapeake Bay Citizens Advisory Committee and the Virginia Soil and Water Conservation Board. She is a 2021 graduate of the Virginia Natural Resources Leadership Institute. She holds a juris doctor degree from William & Mary Law School, where she was a member of the first class of the Virginia Coastal Policy Center, and a bachelor's degree in history from the University of Dallas with a concentration in applied mathematics.



Emily Steinhilber

Director, Climate Resilient Coasts and Watersheds,
Environmental Defense Fund

Emily Steinhilber is a Director of Climate Resilient Coasts and Watersheds for the Environmental Defense Fund (EDF). She leads the Virginia program and works on the Atlantic and Gulf coasts to advance policies, programs, and projects that build with nature, realign markets, and adapt governance systems so that people and nature adapt and thrive together in the face of climate change. Prior to joining EDF, she led a university-wide initiative at Old Dominion University to advance applied adaptation research and education. She holds a juris doctor degree and master's degree in environmental law and policy from Vermont Law School, and a bachelor's degree in economics and history from the University of Virginia. Emily is a member of the Virginia State Bar, and active within the Hampton Roads community serving on multiple boards and committees including the local public media station. She is based in Virginia Beach and has seen the impacts of sea level rise in her own neighborhood over the last four decades.

Panelist Biographies



Joshua Saks, Moderator

Adaptation Program Director, *Georgetown Climate Center*

Joshua Saks is the Georgetown Climate Center's (GCC) Adaptation Program Director, overseeing its work in support of adaptation and resilience-based solutions for local, state, and federal government. Before joining the GCC staff, Joshua was the Natural Resources Director for the Pamunkey Indian Tribe. From 2018 to 2022, he served as the Deputy Secretary of Natural Resources for the Commonwealth of Virginia, where he played a pivotal role in establishing the state as a national leader in coastal resilience and climate adaptation. During his tenure, Joshua spearheaded the development of the Virginia Coastal Resilience Master Plan, and the creation of the Virginia Community

Flood Preparedness Fund. Joshua holds a master's degree in classics from St. John's College and a bachelor's degree in sociology from Ithaca College.



Steve Kline

President and CEO, *Eastern Shore Land Conservancy*

Steve Kline is the president and CEO of the Eastern Shore Land Conservancy (ESLC), Maryland's leading private land trust, with more than 66,000 acres of permanently protected lands across an iconic landscape. Under Steve's leadership, ESLC has become a thought leader on land conservation policy at the state and local level. Before coming to ESLC, Steve worked for nearly 20 years as a professional lobbyist in Washington, with a focus on fish and wildlife habitat conservation. During his time in the national capital, Steve was the principal architect of a variety of successful legislative campaigns, with a deep focus on bipartisanship. Steve has advised political candidates at all levels on issues

related to conservation and natural resources and served as an elected member of the town council in Centreville, Maryland, where he lives. He holds a master's degree in government from Johns Hopkins University and a bachelor's degree in political science from St. Mary's College of Maryland. Steve is a dad of twins, husband, and an avid reader and outdoor enthusiast.



Molly Mitchell

Research Assistant Professor and Director of the Professional MA program, *Virginia Institute of Marine Science*

Molly Mitchell is a Research Assistant Professor and Director of the Professional MA Program in Marine Science at the Virginia Institute of Marine Science (VIMS). Her research focuses on shifts in coastal resources due to the interaction of sea level rise and human-driven changes. She works at the intersection of multiple disciplines, including projects involving ecology (marsh changes and blue carbon), physical dynamics (sea level rise trend analysis, shoreline geology) and human decision making (sea level rise adaptation, adaptive management application). She works with representatives from many different

groups to help translate research and current scientific understanding into practical recommendations. Molly holds a PhD in marine science from the Virginia Institute of Marine Science, College of William & Mary. She also has a master's degree in marine science and bachelor's degrees in biology and environmental science from the College of William & Mary.

Panelist Biographies



Jon Mueller

Director, Environmental Law Clinic,
University of Maryland Carey School of Law

Jon Mueller taught the Clean Water Act as an adjunct professor for 10 years. He joined the law school as a visiting associate professor in July 2023 to manage the school's Environmental Law Clinic and continue teaching the Clean Water Act seminar. Jon was Vice President for Litigation at the Chesapeake Bay Foundation from 2004-2023, Senior Attorney at the US Department of Justice Environmental Enforcement Section from 1987-2004, and in private practice for 5 years. He has participated in environmental administrative and judicial matters before county Boards of Appeal, state courts, and US federal courts. Jon holds a juris doctor degree from the University of Richmond and a bachelor's degree in biology from the College of William & Mary.



John Doherty, Moderator

Science and Policy Analyst, *Environmental Law Institute*

John Doherty is the Environmental Law Institute's (ELI) Science and Policy Analyst, building bridges between science, law, and policy. His work aims to advance science-based governance solutions to today's most pressing environmental challenges, including climate change and the various threats to humans and ecosystems that it multiplies. John first joined ELI as a Science Fellow to provide scientific expertise to the Institute's Climate Judiciary Project, which he continues to support. He holds a PhD in earth sciences from the University of Hong Kong, a master's degree in environmental science from American University, and a bachelor's degree in political science from American University. In addition to his role at ELI, John is an Affiliate Researcher at Georgetown University's Earth Commons Institute.

Appendix A: Law Article Abstracts

This appendix includes draft abstracts submitted by the presenting researchers. Following researcher presentations, breakout discussions will include opportunities for symposium participants to help the authors to refine their paper topics. After the symposium, researchers will draft law journal articles, which will undergo a peer-review process led by the National Sea Grant Law Center. If you wish to submit your own article for publication or have any further questions or comments for the researchers, please email Kerry McClaughry, kerrymcc@umd.edu.

Session 1: Governance Frameworks in the Chesapeake Bay Region

Kimberly Wood

Fellow, *Georgetown Climate Center*

State-Level Resilience Governance: The Evolution of Virginia’s Chief Resilience Officer

Virginia has refined its climate resilience governance framework since it was first introduced in 2014. Today, the state’s Chief Resilience Officer (CRO) takes on an increasingly central role in statewide adaptation initiatives. A CRO is a government official responsible for adaptation measures like coordinating resilience and adaptation policies across agencies, securing funding for projects, and implementing long-term strategies to address climate risks. This article examines the Virginia CRO’s origins, its legislative evolution, and the lessons learned regarding state adaptation governance.

Elisabeth Nguty Nkeng

Student, *Emory University School of Law*

Empowering Tangier Island: A Community-Led Managed Retreat for Cultural Preservation and Climate Adaptation

Tangier Island, a culturally rich community in the Chesapeake Bay, is at severe risk due to climate change-driven sea level rise and coastal erosion. This article examines the urgent need for innovative legal frameworks to facilitate solutions that maintain both the safety and heritage of the island’s residents. Strategies including adopting managed retreat or voluntary buyouts can be a proactive adaptation strategy that affords Tangier Island a well-planned, phased approach that prioritizes public safety; however, they also present concerns regarding the preservation of its unique culture. Transparent planning and meaningful community engagement are essential to ensure that the voices and values of Tangier Island’s residents guide any adapted resiliency efforts.

Kai Hardy

Deputy State’s Attorney, *Addison County, Vermont Department of State’s Attorneys and Sheriffs*

An Overview of Coastal Climate Adaptation Litigation in the Chesapeake Bay Region

The Chesapeake Bay is one of the most vulnerable regions to sea level rise in the United States. Therefore, it is crucial that communities along the Bay implement climate adaptation measures to mitigate the impact of sea level rise. As coastal communities adapt, their decisions will be challenged in the courts. An understanding of litigation risk is crucial for proactive planning for sea level rise and overall regional climate governance. Additionally, litigation can be used as a tool to advance climate jurisprudence in a way that either facilitates or hinders coastal climate adaptation in the Chesapeake Bay region. This article will analyze adaptation-related court decisions in the Bay region, particularly Maryland and Virginia, and explain how these decisions impact the ability of communities to effectively and equitably adapt to sea level rise.

Session 2: Place-Based Adaptation in the Chesapeake Bay Region

Kathleen Gagnon

Juris Doctor, *University of Maryland Carey School of Law*

The Role of Critical Area in Preserving the Chesapeake Bay

In 1984, following the signing of the Chesapeake Bay Agreement, the Maryland General Assembly enacted the Chesapeake Bay Critical Area Protection Act to guide development in shoreline areas. Although the Critical Area Protection Act was integral to Maryland's early enforcement efforts, some of its provisions are implemented with vague references to water quality and habitat protection, or protection or not implemented at all. This article will analyze the Critical Area Act's implementation in Maryland with a focus on Anne Arundel County, considering how to increase transparency and accountability in land-use and zoning decisions.

Sydney Schuster

Student, *University of Maryland Carey School of Law*

The Aftermath of Coastal Wildfires and the Revocation of Environmental Policies in Australia and the United States

Coastal wildfires, exacerbated by rising temperatures and climate change, pose severe threats to local water quality, availability, and ecosystem health. Post-fire conditions compound the challenges faced by affected communities and industries dependent on these water sources. The erosion or rollback of environmental policies complicate the situation. This article investigates the aftermath of coastal wildfires in the United States, focusing on their impact on water resources and the subsequent policy responses, with particular attention to the role of environmental regulations.

Bill Shultz

Student, *Georgetown University Law Center*

Addressing the Dynamic Problem of Saltwater Intrusion in the Agricultural Region of Maryland's Lower Eastern Shore

Saltwater intrusion into agricultural fields of the Lower Eastern Shore region of Maryland and the simultaneous inundation of coastal marshes are two related problems that call for a dynamic set of solutions. Agriculture in the region represents millions of dollars of economic production annually and has already begun to experience significant yield reductions due to saltwater intrusion. This article presents options to help agricultural land to remain productive in the short term and to incentivize uptake of conservation easement programs. The goal of this article is to spark creativity in crafting a region-specific set of programs to assist landowners experiencing saltwater intrusion while accounting for the public benefits provided by salt marshes.

Appendix B: Project Partners

Maryland Sea Grant • mdsg.umd.edu

Maryland Sea Grant (MDSG) is part of the University System of Maryland and is administered by the University of Maryland Center for Environmental Science. Maryland Sea Grant programs support research, education, extension, and outreach focused on the health and sustainability of the Chesapeake and coastal bays and their watersheds. Maryland Sea Grant is partially supported by the National Sea Grant College Program, a congressionally mandated program administered through the National Oceanic and Atmospheric Administration.

Agricultural Law Education Initiative • umaglaw.org

The University of Maryland Eastern Shore (UMES) is a historically Black research university in Princess Anne, Maryland. UMES collaborates with several other state universities to administer the Agricultural Law Education Initiative (ALEI).

Georgetown Climate Center • georgetownclimate.org

The Georgetown Climate Center (GCC) was established in 2009 to work at the interface between climate policies and policymakers at all levels of government and to help develop aligned strategies that work together to address climate change. It is part of Georgetown University Law Center, and its Adaptation Program is one of the nation's leading sources of practical strategies for responding to the impacts of climate change.

Environmental Law Institute • eli.org

The Environmental Law Institute (ELI) aims to create law and policy solutions that have practical applications in the environmental, economic, and social sectors. ELI was established in 1969 and receives support from a diverse group of stakeholders including individuals, foundations, government, corporations, and law firms.

Appendix C: Symposium Participants

A list of symposium participants is [available online](#).