Local Government Advisory Committee Meeting

**Minutes**

Thursday and Friday, March 1 & 2, 2012, Washington DC

The Charles Sumner School, Room 101

Present: Mary Ann Lisanti, Kelly Porter, Bruce Williams, Penny Gross, Debbie Ritter, Diane Davis, Jeff Wheeland, Rick Gray, Ann Simonetti, John Thomas, James Wheeler, David Dunmyer, Rosemary Wilson, Adriana Hochberg, Tommy Wells, Sheila Finlayson, Bob Willey, Sheila Noll. Staff: Rick Keister, Vickie Stinson, Jake Romig Guests: Nick DiPasquale, David O’Neill, Amanda Bassow, Doug Lipton, Suzanne Etgen, Rich Batiuk, Lucinda Power, Carin Bisland, Chris Pyke, Shawn Garvin, Linda Miller, Tom Wentz, Dawn Stoltzfus, Margaret Enloe, Brian Seipp, Hey Young, Amy Handen, Al Todd, Pat Buckley

**Thursday, March 1**

**1:OOpm – 5:OOpm**

To begin the meeting, the Chairman requests introductions be made of the LGAC members and invited guests. After introductions, the chairman stated that the focus of these meetings is to give an overview of where we’ve been, where we are going, and also to communicate and inform committee members about new and continuing developments in the conservation and restoration efforts.

After introductions, Chair Lisanti described that the purpose of the meeting is to receive updated information about the Watershed Implementation Plans (WIPs), individual state plans for their WIPs, EPA’s plans for assistance to local governments, current successful assistance programs, and to begin to set LGAC priorities and communication plans for the coming year. In addition, the Committee will elect a new Chair at the end of the meeting.

**Director, Nick DiPasquale** –Chesapeake Bay Program Office, EPA

DiPasquale began the meeting with a discussion about the Phase II Watershed Implementation Plan (WIP) two-year milestone. DiPasquale states that the program is at a critical point in its juncture, and has reviewed submissions that were submitted by February 15th deadline. The next deadline is March 31, 2012, and is critical because this is the point at which the states could be communicating with local governments regarding their total maximum daily loads (TMDL).

Generally, across the watershed, jurisdictions are on track in meeting pollution reduction targets by 2017 and 2025. More specificity was included on clean-up strategies and how they apply to the local level. EPA expects improved reasonable assurance in some sectors. EPA will continue to work with the jurisdictions to address concerns between now and March30, 2012.

All headwater states of the draft Phase II WIP and final 2012-2013 milestones meet EPA expectations. Delaware, the District of Columbia, and Maryland meet EPA expectations and were directed to maintain “ongoing oversight” for all sectors to ensure commitments is implemented. However, headwater states of New York and West Virginia, plus Virginia and Pennsylvania fell short of their targeted reductions and were instructed to make adjustments for stormwater to ensure commitments are implemented. Future focus will be on implementation.

The next steps will be for the EPA to continue to work with Bay jurisdictions to address any outstanding issues leading up to the Phase II WIP deadline. March 30, 2012 is the deadline for Final Phase II WIPs and amendments to Final 2012-2013 Milestones due to EPA post March 30th 2012, and has potential for federal actions based on evaluation of final Phase II WIPs and the focus will be on implementation.

For the 2012 budget, EPA was successful in obtaining a $3 million increase. It is roughly a $25 to $26 million increase that will assist the Chesapeake Bay Stewardship fund as well as the operating budget and financial support to other agencies. Congress directed that $5 million additional funding be applied to the stewardship fund. However, we had to eliminate the Circuit Rider program to provide increased funding for local governments through the NWFW foundation. $4.5 million will be targeted to local government assistance. It is hoped that a circuit rider function will be continued. The focus should be to help communities find this assistance.

**Reaction to EPA elimination of the pilot Circuit Rider program**

**Gross** – on the Circuit Rider Program, I take a personal interest in this creative initiative. There have been consistent dividends to local governments. I am distressed to find that circuit rider funding is not being funded by the EPA and the CPB. The Fish and Wildlife Foundation will continue to support the circuit rider program. However, is there a commitment to continue funding the CRr program, or will they have to compete with homeowner associations for funding?

Response from DiPasquale: Stated that they were never intended to go on, pilot projects will come to an end. On the other hand, a discretionary program, technical assistance provided by CR will be expanded.

**Gross** – The whole point of a pilot program is to see if it works and should be continued. By all accounts, our CR program has proven its value to local governments and every effort should be made to see that it continues.

**Lisanti** – We are working very hard to find a mechanism to infuse this money into towns, boroughs and cities to continue the programmatic piece. Hopefully we will be able to continue a circuit rider function under the new arrangement with the National Fish and Wildlife Foundation.

**David O’Neill and Amanda Bassow, National Fish and Wildlife Foundation (NFWF)**

David and Amanda described how NFWF through their Chesapeake Stewardship Fund will channel funds to local governments. They seek to:

* Engage local governments in achieving measurable and observable improvements to local rivers, streams and creeks that are a source of clean water to the Chesapeake Bay.
* Showcase local government leaders who are successfully achieving conservation, economic and recreation objectives while advancing Chesapeake Bay water quality targets.
* Strategically increase technical assistance and funding available to local governments to implement Chesapeake TMDL Local Watershed Implementation Plans.
* Facilitate the wide-scale adoption of successful local government program and policy models that improve local river, stream and creek health, and progress toward local Chesapeake TMDL targets.

The strategies they will use to achieve these goals include:

* **Green Infrastructure Showcase Projects** ($1.5 - $2 million)
  + 3 – 5 projects @ c. $500,000 each
  + Demonstrate integration of green infrastructure restoration, protection and maintenance into capital improvement programs, road maintenance programs, flood plain management, and other existing programs
* **Local Government Capacity Building** ($1.5 million)
  + At least 10 participants, receiving assistance valued at c. $150,000 each
  + cohort of localities that represent the diverse characteristics of local governments throughout the region
  + technical assistance to overcome specific challenges localities identify as barriers to improving water quality
* **“Walk-Up” Technical Assistance** ($500k - $1 million)
  + T.A. from a pool of providers available on as-needed basis
  + Requests received on rolling basis
  + Quick turnaround, minimal paperwork
* **Networking for Local Governments and T.A. Providers**
  + Watershed Forum Model
  + Roundtable Model
  + Site Visits, Small Group Meetings

David indicated that the Committee’s interest in continuing some kind of circuit rider like type of assistance to local governments could be accommodated as they continue to develop and refine their programs to assist local governments. NFWF has a long history of working with local governments through its Small Watershed and Innovative grant programs by accelerating local implementation of the most innovative, sustainable, and cost effective strategies to restore and protect water quality and vital habitats within the Chesapeake Bay watershed.

The Chesapeake Bay Stewardship fund also support the annual watershed forum coordinated by the Alliance for the Chesapeake Bay. The CBSF is committed to information sharing, networking, and to monitoring project success. It is highly important to verify what is happening on the ground.

**Rich Batiuk - BMP Verification**

The BMP verification program will address a full array of practices across all sources including agricultural lands, forest lands, wetlands, developed lands, on-site treatment systems, abandon mine lands, wastewater dischargers, stream corridors, and tidal shorelines.

The approach is to factor in innovative approaches taken by jurisdictions, local municipalities, and districts. The verification of the framework will be through BMP verification principles which are critical for approving jurisdictions’ verification programs, source sector-specific verification protocols developed by workgroups, tailored to jurisdictions and the BMP verification panel which will recognize experts external to the partnership. Other key elements include fully accounting for federal cost shared practices; prevention of double counting, commitment to clean-up of historic data, and build in practice life spans. The next step is composing initial workgroup products into preliminary draft BMP verification principles and protocols. The CBPO staff will begin to develop a BMP verification section on the partnership’s [www.chesapeakebay.net](http://www.chesapeakebay.net) web site.

Questions for LGAC:

* Are we missing any key elements in developing a comprehensive BMP verification program across the CBP partnership?
* How can we best strike the right balance between a full accounting for local on-the-ground pollution reduction actions AND verifying their proper implementation?
* How can we ensure we get input from local elected officials and local government staff during the BMP verification framework development process?
* What are your recommendations for the types of experts we should have on the BMP verification panel? Do you have specific recommendations for specific panel members?
* Can you direct us towards realistic live examples of where local governments are ‘doing it right’ in tracking, verifying, and reporting on pollution reduction actions?
* What specific role(s) would the LGAC like to play during development of the BMP verification framework? How involved do you want to be?

**Doug Lipton – Director of the University of MD Sea Grant Extension**

Important to define what the circuit rider program actually is. The vision of the CR program is to provide engagement and implementation of programs at the local level, and to proivde federal to state coordination. Our program focuses on regional watershed restoration specialists:

* Sea Grant Extension
  + Locally Based (County or Regional Extension Offices)
  + Record of Success (think Agricultural Extension)
    - “If they can do for Bay restoration what they did for development of agriculture in the US……”
  + Funded by Federal, State and Local Dollars
* MD DNR Provides Technical Support (called a Collaborative approach)
* Chesapeake Bay Trust Provides some of the Funding
* Environmental Finance Center Provides technical assistance on finance

5 clusters of planning regions in Maryland; two pilots positions, one on eastern shore and in central Maryland. We were able to sell this model to University of Maryland and faculty in the extension service. From these two original positions, we have been able to expand the watershed restoration specialists concept to other regions in Maryland to the point where we now have three permanent positions with another two to be created in the next few months. The kind of technical assistance our program provides to local governments and watershed organizations will become more important as local governments move closer to implementing the requirements of the Watershed Implementation Plans.

**Suzanne Etgen – Watershed Stewardship Academy (WSA) – Anne Arundel County** . The WSA is an initiative to indentify, train, and support community leaders who will assist their neighborhoods, communities, and local governments to reduce pollution in their watershed. The goal is to train leaders who will be able to change the behavior of people in their own back yards and, as a result, lead to pollution reduction in local waterways. In 2010, the WSA certified 29 stewards who provided an outreach program that reached over 6,800 people, and engaged over 700 volunteers. They also installed 157 rain barrels, and planted 4,595 native plants and 268 native trees.

The distinctions from other volunteer programs are:

* Community based – volunteer live within the community and are an on-going presence
* WSA program supports structure and collaboration in developing leadership teams with founding boards, organizations, citizens, businesses and communities
* The WSA program offers hands on training in pollution reduction methods and techniques
* It has established a partnership with the Anne Arundel County Dept. of Public Works
* The WSA has a significant education and outreach campaign to communities
* The help leverage private and public money for land restoration projects

The local government nexus is the key. In order to help local governments meet the pollution reduction requirements under the WIPs, there will have to be an enormous effort to bring community support to the efforts, and to find cost effective ways to reduce pollution to local waterways. The WSA represents a way that will help local governments keep costs down as well as engaging the citizens in their communities.

**State of the WIPs – Nick DiPasquale and Lucinda Power** reported the following:

Nick and Lucinda reported that generally jurisdictions are on track to meeting pollution reduction targets by 2017 and 2025. More specificity was included in the WIPs on clean up strategies and how they apply to the local level. EPA expects improved reasonable assurance in some sectors.

The District of Columbia has made commendable progress in engaging and assigning target loads to federal agencies. The strong emphasis is on capacity building and upgrades to Blue Plains Wastewater Treatment Plant as sell as implementing MS 4 permits and new stormwater regulations requiring a retention standard.

Maryland is noted for the implementation of a significant load engagement initiative with key stakeholders. Commitments have been made to upgrade significant numbers of on-site systems and connect others to wastewater treatment plants. There is also an important emphasis on local financing of stormwater BMP implementation.

Pennsylvania has show progress on several commitments that are reflected in the Phase II WIP. There has been development of statewide guidance for addressing stormwater offsets to be completed in early 2013. The milestones for agriculture and wastewater generally align with strategies in the draft Phase II WIP. EPA indicates that it expects PA to address 2012 – 2013 milestones to avoid federal actions for all sectors (greater detail on how to assure compliance, additional agriculture milestones to advance manure to energy technologies, greater alignment between stormwater milestones and WIP commitments, and additional clarity on the process for on-going local engagement).

Virginia has conducted extensive outreach to local stakeholders and but EPA expects a process for continuing engagement during implementation in final Phase II WIP. Most of Virginia’s programmatic milestones are in alignment with Phase I and II commitments. Additional details on process for achieving stormwater commitments is expected given the continued backlog of MS4 permits.

EPA will continue to work with all the Bay jurisdictions to address any outstanding issues leading up to the March 31 deadline. They reserve the right for potential federal actions based on a final evaluation of the final Phase ii WIPs.

[www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl) to find out results on Phase II

Joan Salvati – VA Department of Conservation and Recreation

91 of 96 localities responded to request for information.

* Review model information;
* update land use;
* update BMPs;
* provide preferred bmp scenarios
* provide strategies to advance scenarios;
* identify resource needs;
* close to 500 strategies aggregated and tabulated according to source sector

Chris Aadland – MD Department of Natural Resources

Storm water retention is the biggest hurdle that the state and local governments face. MD DNR will continue to hold forums and regional meetings to provide information on financing and to provide technical assistance. The range of WIP plans submitted by counties range from vague to very detailed. The state has filled in for counties who did not submit plans. The states will allow counties to revise plans up to January 2013. The state is requesting, not requiring that county officials adopt the final WIPs.

MD is proposing to double the flush tax to help pay for upgrades to wastewater treatment plants and to tighten restrictions on local septic systems. It is too early to tell if the Legislature will adopt these measures.

Pat Buckley – PA Department of Environmental Protection

PA takes a different approach with its more than 1200 municipalities. outreach with counties were set up by 8 regional meetings, and with conservation districts and planning commissions. Five associations of local governments representing towns, townships, counties, municipalities and boroughs were aslso used to provide local government officials with information of the WIPs. It was discovered that current models did not reflect what counties have been doing to meet water quality goals. Counties were issued local targets that set some level of nutrient reduction. Right now they remain draft targets until they can work with the state DEP to revise planning targets. PA is going to request a re-evaluation of the credits given for past BMPs. PA feels that a stormwater regulatory program should not be statewide, only in those jurisdictions that boarder the Chesapeake Bay.

Diane Davis – DC Department of the Environment

DC has worked with Federal agencies who, under the Executive Order, are responsible for reducing stormwater flow from their facilities. After some initial reluctance, most have cooperated with the District as it developed their WIP. In addition, DOE is working with the same agencies to develop Memorandums of Understanding (MOUs) to build impervious surfaces and storm water controls. The District is relying heavily on local homeowner participation to provide stormwater reductions through its River Smart program aimed at District neighborhoods.

**Shawn Garvin, EPA Region III**

In an open conversation with LGAC members, Shawn invited a frank exchange about the issues that concern local government officials. He thanked Mary Ann Lisanti who has represented LGAC at Principal’s Staff Committee meetings and other venues where local government issues have been discussed. Having come from a background of local government, he understands many of the frustrations facing elected officials.

When it comes to watershed improvement and protection issues, most efficient and cost effective are what makes the most sense and what the EPA is striving for. We need sound models and sound data to make those determinations. And there has to be some flexibility due to the vastly different areas ranging from urban to rural agricultural places. And of course, how to pay for them is a critical issue.

One of the LGAC members related a concern that partnerships (such as the Bay Program) don’t punish. We often get the feeling that we will be punished in the coming regulatory environment. VA has no state budget as of now, and there are 22 propositions about stormwater in Fairfax County alone. EPA must be cognizant about the local ability to fund projects without putting an undue burden on rate payers.

One member pointed out that many of the EPA water quality requirements are good for communities and offer the opportunity to create green infrastructure and projects that not only protect local streams and rivers, but also make communities and schools attractive assests. At the same time, it is necessary for EPA to make its regulators aware of conditions and needs at the local level that may require some creative thinking to fit EPA programs with local needs. Green infrastructure is a better sell politically.

Models have presented a problem in many local jurisdictions and EPA needs to recognize when there may be incorrect or inaccurate data applied to models that can skew results. Local governments respond to local on the ground conditions are concerned when model results do not match what they are experiencing in their communities. There must be more monitoring of actual conditions to get a true picture of what is happening at the local level.

There is a continuing need for dialogue with local governments and EPA and state partners. Communication is the key ingredient for successful relationships, and that applies to all who have responsibility and interest in cleaning up local waters and the Chesapeake Bay. Everyone seems to recognize that it will take the efforts of all levels of government and all of its citizens working in their own neighborhoods to achieve the goals of the Chesapeake Bay Program.

The meeting adjourned at 5:39 pm for a 6:00 dinner, 2nd floor Room 24, Tabard Inn

**Local Government Advisory Committee Meeting**

**Friday, March 2, 2012**

**9-12 Noon - The Charles Sumner School, Room 101**

**Chris Pyke,Chair** of the Scientific and Technical Advisory Committee (STAC)

Chris talked about the role of STAC as an advisory committee to the Bay Program and the Chesapeake Executive Council. STAC is composed mostly of university scientists appointed by state governors and elected by their peers to serve as an independent voice in evaluating scientific and technical issues facing the Bay Program. They are proactive in working on issues and provide peer review of programs and technical issues. STAC has recognized the limitations of current Bay Program models and is working to make recommendations that will increase the scientific credibility of models. They are always looking for ways to explain models to the non-scientific community.

Members expressed their interest in learning about lessons from other ecosystems such as Lake Erie, and how corrections in the model can be made to reflect real on the ground data. There was an expression of opinion that more monitoring would result in more accurate models, but that there are budget limitations that usually restrict the amount of monitoring that can be done.

STAC is always looking for ways to cooperate with LGAC on issues of mutual interest. In 2010, STAC and LGAC cosponsored a stormwater workshop that was well attended by local government officials. Chris invited members to consider other workshops that might be of mutual interest to both Advisory Committees.

**Communicating Bay Messages**

Margaret **Enloe, Director of Communications, Bay Program Office**

Here are some techniques that communications experts use to get their message across:

* The main point is to know your audience and tailor your message to reach them. Your goal is to build a consensus, educate them, and know what they want and need.
* Make your point at least three times during your presentation. Leave some space for humor and to get feedback from your audience.
* Do not make it too complicated, the average adult understands at a 9th grade level. However, people are not stupid. Make everything as simple as possible.
* Messages are passed through word of mouth, personal contact, and, more and more, social media.

**Tom Wenz , EPA Public Affairs for the CBPO in Annapolis**

His challenge is to be a liaison between the bureaucracy, the scientists and the people. His job is to translate scientific information to non-scientific audiences and to help the media with that task.

Break through the clutter of constant news with a consistent message. Consistent messages break through to the public. Consistent messages are planned ahead of time. Key bits of information that you want your audience to know. For example, use social media if you are trying to reach a younger audience.

If you are talking to a magazine, more in-depth information is needed; if television, no more than 7 seconds or 35 words.

Another key thing, when you are communicating your message, design to achieve an effect. What do you want this message to do? Go in with a goal, move toward achieving the goal. When you answer questions, use them as a bridge to your goal. Use repeatable, but factual information. Have facts to back it up when throwing out information. Make sure your message is verifiable

Messages that they are using for the Bay Program EPA Office are: everyone deserves clean water, it’s about cleaning up your local waters, you are a part of the solution, the time is now to get the job done AND it is doable.

**Dawn Stoltzfus, the Hatcher Group**

Traditional ways to reach an audience is local TV, internet, newspapers, media advisory, press conference, op-ed pieces. Your Voice is a perspective in your community and can be expressed in letters to the editors. Keep up with your local media outlets. Respond positively, not necessarily negatively. Free press is great.

Paid media, TV, advertising, radio can be really cheap. Work to get to targeted audiences. Media blogs can work for you or against you. They often have break out stories. Former print reporters on AOL are posting content and commentary. Some are sophisticated reporters however, some are not.

Traditional printed materials are still needed. Online (web based) communications. - people are going there for information regarding your township, neighborhood, community. Use social media outlets if you are trying to reach a younger audience. Don’t overlook You Tube as a visual way to get your message across. Pictures of stormwater runoff after a major rainfall can have an impact.

If you really don’t have anything to say, don’t say it, don’t waste time and energy.

**LGAC Business Meeting**

* The minutes from the last meeting in Annapolis were approved unanimously.
* Mary Ann Lisanti attended a Principal’s Staff Committee (PSC) meeting where she issued an invitation to the headwater states of Delaware, New York, and West Virginia to appoint a local government official to LGAC. If the states respond positively, LGAC will amend their bylaws to allow headwater state participation. Rick will prepare follow up letters with an official invitation to the governors of the states. Bylaw amendments would have to be sent to all LGAC members 14 days prior to a meeting where action would be required.
* Members expressed their views about what LGAC should put in our annual report to the Executive Council: there needs to be a clear path to verify data that goes into bay models, and concurrently there needs to be more rigorous monitoring efforts at the state and federal levels; dedicated funding is crucial piece of the WIP puzzle, whether it come locally, or from state and federal sources; we need to pay attention to smaller treatment plants that need more assistance; BMP verification is also important so that local governments can get credit for what we have done in the past; when it comes to implementing the WIPs, stormwater issues are still the most prevalent and we need to convey the need for stronger cost effective alternatives to meet WIP goals; local green infrastructure projects offer the opportunity to improve water quality as well as meet local community improvement objectives; LGAC should remind the EC about the importance of the Bay partnership and the need for flexibility in all programs; we should express disappointment in EPA cutting funding for what has been one of the most successful technical assistance programs to local governments, the Circuit Rider program; at the same time we can ask the EC for support for our proposal to continue a circuit rider function that would be funded by the National Fish and Wildlife Foundation under their new arrangement with EPA to fund local capacity building; we need to focus more attention on locally based programs such as River Smart in Washington DC, and the efforts to train volunteer watershed specialists by the Watershed Stewards Academy because these programs get citizens and communities directly involved and can represent cost savings to local governments
* LGAC has an opportunity to participate in the next Chesapeake Watershed Forum sponsored by NFWF and the Alliance. We have been asked to consider a pre-conference local government workshop that would take place the day before the official conference begins. The workshop would be focused on local government issues and be available for about 50 participants. LGAC has tentatively scheduled its fall meeting at the Forum for Sept. 27-28 in Shepherdstown, WWa.
* Outgoing Chair, Mary Ann Lisanti, expressed her appreciation at representing LGAC during the past two years. She expressed the feeling that LGAC has become relevant in the Bay community and has the respect of the federal agencies. Shawn Garvin has reached out to LGAC and show n willingness to listen to our concerns. She is especially proud of our two communication pieces and the impact they have had in helping local governments understand the WIP process
* In the election of the new Chair, Mayor J. Richard Gray of Lancaster was nominated by Ann Simonetti, seconded by Jeff Wheeland, and elected unanimously.
* The next LGAC meeting will be held in Lancaster, PA on June 6 & 7, in proximity to the Choose Clean Water Conference being held at the same hotel June 4-6th. Mayor Gray encourage members to attend that conference if their schedules permit.

**The meeting was adjourned at noon.**