Chesapeake Bay Program Partnership's *Phase III WIP Stakeholder Assessment Action Plan*[1]

Introduction & Purpose

A significant and integral driver towards restoring local waters within the Chesapeake Bay watershed and meeting the goals of the 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL) is active engagement and participation from local partners, such as local governments, conservation districts, planning districts, municipalities, federal facilities, watershed organizations, source water protection groups, private businesses, and local elected officials. Watershed Implementation Plans (WIPs), developed by the jurisdictions, provide the framework for achieving water quality improvements for human and living resources health in the Chesapeake Bay watershed.

The next phase to meet these goals includes the development of the jurisdictions' Phase III WIPs. In preparation for the development of the Phase III WIPs, a stakeholder assessment and subsequent report was developed by the Institute for Environmental Negotiation (IEN) of the University of Virginia that evaluated Phase I and II WIP development and implementation processes and made recommendations to improve Phase III WIP development, evaluation, implementation and oversight processes. The Chesapeake Bay Program's (CBP) partnership-approved proposal for the assessment directed IEN to "hold a series of conversations with stakeholders from federal, state, local, non-governmental and industry organizations to identify lessons learned from the Phase I and II WIP process that should be applied to the Phase III WIPs in order to facilitate local engagement and implementation[2]."

The expectations for the Phase II WIPs placed a heavy emphasis on increasing local engagement in WIP implementation, including specific plans to facilitate that engagement. This expectation was met with varying degrees of success in Phase II and, as reported in the stakeholder assessment, many partners recognize that Phase III needs to more fully engage local partners. In particular, the Phase III WIPs should help local partners understand their contribution to achieving water quality improvements and clearly articulate who will be held accountable for following through on Phase III WIP implementation. Key to this engagement and information sharing process includes understanding relevant and current barriers, challenges, and opportunities that local partners face in implementing water quality improvement projects.

Through these conversations with state, federal, and local stakeholders, nine shared concerns and ideas emerged and were highlighted in the report: equity, communication, collaborative leadership, accountability for results, funding and other resources, cost-effectiveness, adaptability, schedule and the modeling tools. **This Action Plan recommends specific steps the CBP partnership can take to address these nine shared concerns, and how these actions can be used to build programmatic capacity at both the state and local jurisdictional levels and inform opportunities for increasing local participation in the development of the Phase III WIPs.** The following table reflects the shared concerns from the stakeholder assessment report and how this Action Plan, as well as other steps the CBP partnership is taking under the Bay TMDL, is attempting to address these concerns.

[1] As informed by the "Chesapeake Bay Stakeholder Assessment" http://www.chesapeakebay.net/channel_files/22732/chbaytmdlstakeholderassessment7dec2015.pdf

[2] "Proposal to Conduct a Stakeholder Assessment to Inform Expectations for Phase III Watershed Implementation Plans" http://www.chesapeakebay.net/channel_files/22732/stakeholder_assessment_proposal_12_1_14.pdf

Summary of Actions to Address Shared Concerns by State, Federal, and Local Partners	
Concerns	**Actions[3]**
Equity: Treat sectors and jurisdictions fairly. Target funding and support to where needed most. Be transparent and equitable in burdens and benefits.	• Implement communication and outreach plans • Potential development and use of local area targets • Programmatic capacity analysis to support WIPs and two-year milestones
Communication: Need more opportunities for shared learning. Communication strategy for states and EPA about what, why, resources, and implications for success and failure. Marketing plan Bay-wide to show the value to local waters and local economies.	• Establish mechanisms for information-sharing about these successes • Each state jurisdiction and EPA develops and implements a communication and outreach plan • Identify target audiences for communications and engagement
Collaborative Leadership: Authentic partnerships. Bring localities and sectors to work with and learn from each other, and build consensus for actions. Extend beyond information sharing.	• Identify local engagement successes for planning and implementation • Identify target audiences for communications and engagement
Accountability for Results: Need more verification of BMPs. Too little credit has been given for some jurisdictions/sectors. More flexibility on the "how".	• Historical data clean-up* • BMP verification program development and implementation*
Funding and Other Resources: Localities and sectors "feeling the pain." Worry about changes in Phase III. Funding and regulatory structures need to keep up with demands.	• Programmatic capacity analysis to support WIPs and two-year milestones • Each state jurisdiction and EPA develops and implements a communication and outreach plan
Cost-Effectiveness: Need more consideration about cost-effectiveness of practices; generally involve agriculture. Trading is problematic – inconsistent in watershed.	• Identification and promotion of planning and decision support tools that determine the cost-effectiveness of BMPs and demonstrate multiple ecosystem benefits
Adaptability: Focus on results, not checking off boxes. Create more innovative and cost-effective BMPs.	• Incorporate result-driven elements from successes into planning documents for Phase III WIPs
Schedule: Too little time to gain support from state and local stakeholders and officials. 2025 deadline not practical. Concerns that easing schedule means abandoning TMDL and provoking lawsuits.	• Each state jurisdiction and EPA develops and implements a communication and outreach plan • Midpoint assessment month-by-month schedule of key decisions and events*
The Bay Model: Confusion over model has been harmful. Model being asked to guide decisions at scales not suitable. Too many assumptions don't match reality. Model may be better than monitoring due to lag time.	• Development/refinement of Phase 6 modeling tools* • Collection of high res land cover and land use data* • Potential development and use of local area targets

[3] Actions reflect those that are included in this Action Plan and those the CBP partnership is undertaking as part of the Bay TMDL's midpoint assessment. An asterisk indicates those actions under the midpoint assessment.

	• Each state jurisdiction and EPA develops and implements a communication and outreach plan

The intent is for this action plan to be a living document, modified over coming months as expectations for the Phase III WIPs are further discussed, refined by the CBP partnership, and shared with the wider Bay community.

Guiding Principles for Engaging Local Partners in Phase III WIP Development

- A one-size fits all local engagement approach will not be effective. There must be multiple strategies to engage local entities in each state jurisdiction.
    - For example, strategies could target the larger counties that are currently moving towards implementation or the smaller rural counties that are more resistant to implementation efforts.
- When engaging localities and municipalities, ensure that outreach includes local staff AND elected officials as it is the elected officials who will have to approve strategies to address the Bay TMDL and WIPs.
- Local concerns and priorities must be considered.
    - Understanding the priorities of local partners is important. Improvement of local water quality, considered an unfunded mandate by many, may not be seen as a priority in communities facing challenges in the areas of education, mental health, and public safety.
- Allow for creative and innovative solutions to address pollution in the most cost-effective, efficient manner.
- Utilize local knowledge systems to influence decision making at both the local and state jurisdictional scales.
    - Understand the influence hubs (e.g. key communicators, messengers, and trusted sources) in a local jurisdiction. Use these people and organizations to navigate through the political, social, and economic climate of the locality.
- Engagement of, and communication with, local partners should begin early and be consistent, with clear schedules and expectations provided.
    - This engagement and outreach will need to be repeated as elected officials rotate in and out of office and as staff changes.
- Adopting realistic time horizons for achieving goals between now and 2025 will enable local partners to establish achievable incremental implementation commitments.

Actions to Address Shared Concerns by State, Federal, and Local Partners [4]

I. Improve Information Sharing on Successes

Stakeholder Concerns from Assessment Report:

"*There is no means provided for partners to learn what others are doing*."

"*What is working in one jurisdiction needs to be shared throughout all levels of government. There is a hunger for that knowledge."*

"I wish there was a way to have frank conversations with environmental advocates and sectors and jurisdictions about where we are and what is achievable and doing so in ways that could lead to consensus about what would work best."

[4] The following actions are intended to address key concerns and issues that were highlighted in the Phase III WIP Stakeholder Assessment Report.

- **Action 1. Identify local engagement successes for planning and implementation**
- **Action 2. Establish mechanisms for information-sharing about these successes**
- **Action 3. Incorporate result-driven elements from successes into planning documents for Phase III WIPs**

Based on stakeholder feedback, there is a need to learn from and build upon local successes so we can help build the capacity that the localities need in order to participate in achieving WIP commitments or other environmental goals in their communities. There are numerous local success stories throughout the Bay watershed that demonstrate how a diverse stakeholder base can advance restoration activities (e.g., green infrastructure or agricultural BMP priorities).

Documenting and sharing success stories, particularly those based on regional collaborative systems, can support other communities in adopting implementation approaches by providing examples that can be replicated. This can also assist the jurisdictions in identifying the support mechanisms that could to be in place to support local implementation and to explore incorporating these support mechanisms into their Phase III WIPs.

Appendix I provides a list of strategies and considerations from Phase I and Phase II experiences including success stories, working relationships, and pilots that could help strengthen local engagement in the development of the Phase III WIPs. Such success stories should demonstrate results in advancing and implementing strategies that have achieved real-world results.

In order to establish mechanisms for sharing information about these successes as outlined in Action 2, the following guidelines need to be considered by the CBP partnership:

- Target specific geographic areas where accelerated restoration efforts are needed and where local governments are receptive towards making a discernable difference in their community in meeting their WIP commitments
- Engage organizations that can effectively message these successes at their level (e.g. Maryland Association of Counties and the Upper Susquehanna Coalition)
- Working with the CBP partnership's Local Leadership Workgroup, establish a peer-to-peer mentoring program[5] that builds relationship bridges within local governments where at least one has demonstrated success in developing innovative strategies to meet WIP commitments
- Use webinars and/or standing CBP partnership meetings to share successful engagement strategies and pilots

Proposed Timeline:

- Refine Appendix I and identify previous, local successes and pilots for planning & implementation: Ongoing
- Incorporate result oriented successes into each state jurisdiction's Phase III WIP local communication and outreach plans[6]: March – June 2016

II. Enhancing Communications and Outreach with Local Partners[7]

[5] Refer to *Chesapeake Watershed Local Leadership Development Programs* Report, September 2015 [insert link] for more information about these opportunities.

[6] See Action 1 under Enhancing Communications and Outreach with Local Partners

[7] FY16 WIP Assistance Funds are available to assist the jurisdictions in the development of communication and outreach plans.

Stakeholder Concerns from the Assessment Report:

"Too many localities and sectors do not know what is expected of them. The states have had no comprehensive communication strategy, which leads to uncertainty and other problems with localities and sectors."

"There is more awareness of the Bay TMDL, but not necessarily more buy-in, not when funding competes with other necessities such as schools and social services."

"There is a huge gap between what staff know and what elected officials and residents know."

❖ **Action 4. Each State Jurisdiction and EPA Develops and Implements a Communication and Outreach Plan**

Communication is a vital component of WIP development and implementation, and there is a need to craft messages that resonates at the local level. Each jurisdiction and EPA should develop comprehensive engagement strategies that inform local governments, sector stakeholders and citizens, and federal agencies of opportunities for participation, what needs to happen and why, what resources are available, and the implications of success and failure. The communication and outreach plan could also address some of the other shared concerns and ideas from the stakeholder assessment such as:

- Developing a clear schedule for local partners and federal agencies to have sufficient time to conduct targeted outreach to, and feedback from, elected officials and other stakeholders including:
  - Schedule and description of key policy and technical decisions related to the WIPs in order to allow localities and federal agencies to actively participate in the decision making processes
  - Schedule and opportunities for information sharing at critical points
- Specific opportunities for early involvement in strategic issues for increased awareness and buy-in
- Demonstration of equitability through clearly established expectations for the sectors and jurisdictions
- Accountability to ensure implementation crediting and verification
- Collaborative leadership opportunities including:
  - Availability of resources to facilitate key activities, like workshops, webinars, and "road shows"
  - Mechanisms to build in collaborative feedback with target audiences in order circle-back to inform development of the Phase III WIP (e.g. integrating the technical, financial and capacity resource needs of local partners for effective engagement and implementation)
  - Identification of key communication partners, e.g., organizations that influence or inform local implementers. These organizations play a key role in developing and delivering messages effectively
- The impetus behind the refinement of the CBP partnership's suite of modeling tools (e.g. Phase 6) and the potential impacts of these modeling changes to implementation. Specifically, local staff and elected officials would benefit from the following information:
  - Describe who asked for a change and the reason given to justify the change.
  - Describe what changed: new data or new assumption.
  - Describe conceptually how the changes will impact model outputs and provide examples with actual model outputs, if possible.

Additional communication efforts could be focused on the benefits of restoration, funding implementation cost effectively, and modeling dynamics:

- Economic benefits of Bay watershed restoration,[8] including data and stories, that demonstrate the value of implementing the Bay TMDL to local partners and implementers for local water quality improvements and other ecosystem service improvements that are a result of restoration efforts. This also includes non-bay related economic benefits (e.g., increased home values, reduced flooding, reduced energy costs, reduced drinking water costs)
- Access, usability, and understanding of Phase 6 decision support tools (e.g. CAST/MAST/VAST/BayFAST) that are designed to assist in the decision making process for BMP funding, targeting, and implementation and facilitate transparency of the CBP partnership's modeling process
- Modeling changes, such as improved land use data, and monitoring information that could impact a state's progress to their planning targets (e.g. transition from Phase 5 to Phase 6 of the Watershed Model)
- 2017 and 2025 Bay TMDL and WIP goals[9][10]

❖ **Action 5. Identify Target Audiences for Communications and Engagement**

As identified for Action 1, it is also important to note *how* and *to whom* communications and outreach might be most effectively delivered. A "one-size-fits-all" local engagement approach will not work across Bay communities, given current levels of understanding, competing priorities and resource needs. It is likely this engagement and outreach will need to be customized for local partners and possibly the different source sectors, such as:

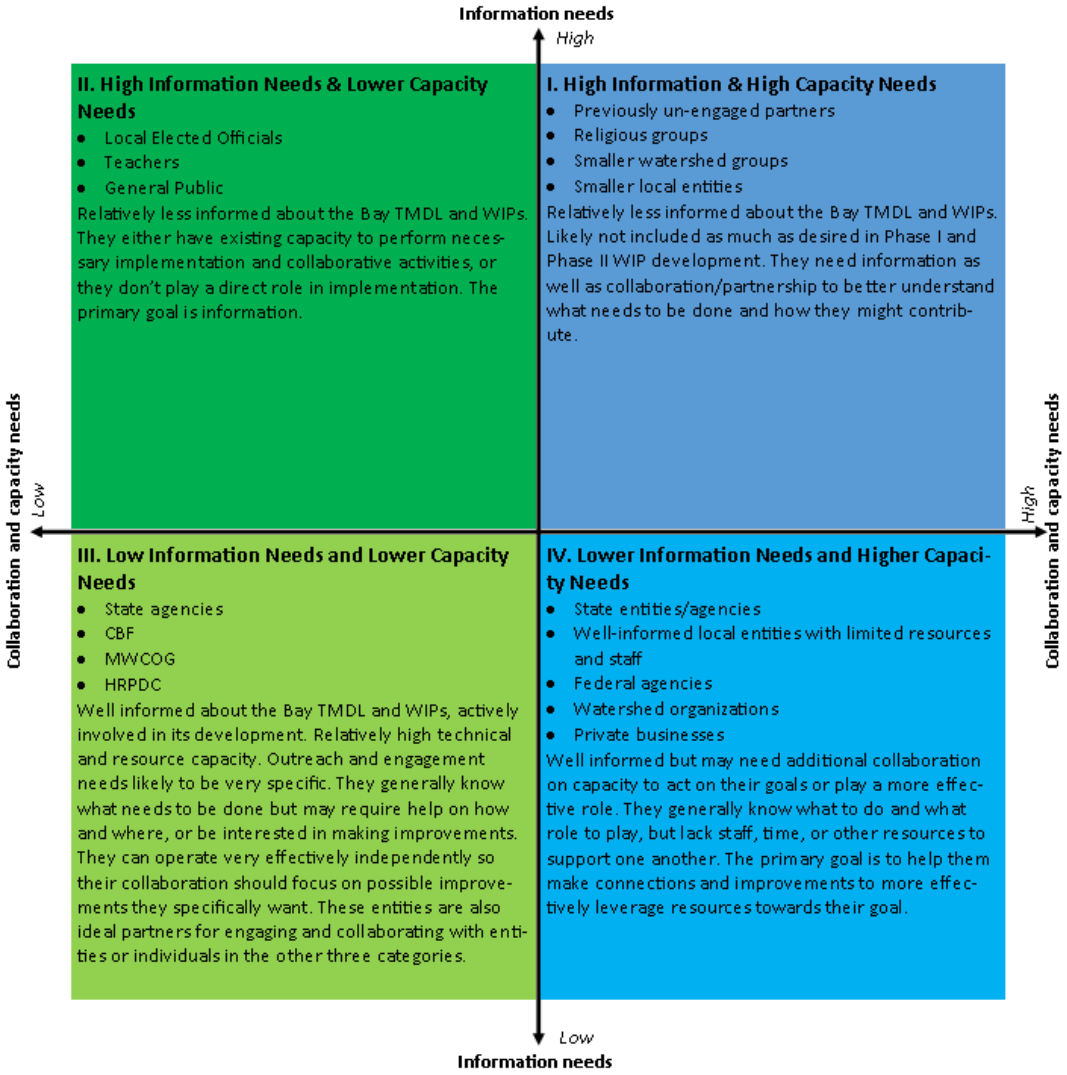
- State legislators
- Federal agencies and facilities
- Organizations that represent municipalities
- Farm organizations, conservation districts
- Planning Departments, Compliance managers/permit holders
- Extension service staff
- Regulated communities versus unregulated communities
- Locally elected officials versus technical staff
- Private business leaders
- Regional councils
- Smaller (unregulated) jurisdictions and municipalities

Another approach for envisioning the vast array of communication and information sharing needs by target audience is presented through the following diagram. The table below is an approximation of where local partners may fit with respect to their engagement and outreach needs.

[8] Start by focusing an economic benefit analysis of a few specific representative communities, calculating how they've benefited from their cleanup actions since 2010, versus the cost.

[9] 2017 WIP Goal: By 2017, have practices and controls in place that are expected to achieve 60 percent of the nutrient and sediment pollution load reductions necessary to achieve applicable water quality standards compared to 2009 levels. 2025 WIP Goal: By 2025, have all practices and controls installed to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll *a* standards as articulated in the Chesapeake Bay TMDL document.

[10] Further clarification on the "60% by 2017" goal can be found in the following work plan: http://www.chesapeakebay.net/channel_files/18968/mpa_lower_priority_workplan_-_60percent_by_2017_2.pdf



Proposed Timeline:

- Development of Communication and Outreach Strategies and Identification of Target Audiences: March – June 2016
- Implement Communication and Outreach Plans, including Early Outreach with Target Audiences: June 2016 – June 2018

III. Build Programmatic Capacity for Planning & Implementation

Stakeholder Concerns from Assessment Report:

"Implementing the Chesapeake Bay TMDL has involved considerable expenditures."

"…Funding and regulatory structures have not kept up, nor has thinking about using new strategies for best use of money."

"We need to mandate an accurate cost-benefit analysis for all program guidance so that moneys are spent in an accountable way."

- **Action 6. Analyze Existing Programmatic Capacity to Support WIPs and Two-Year Milestones**
- **Action 7. Identification and Promotion of Planning and Decision Support Tools that Determine the Cost-Effectiveness of BMPs and Demonstrate Multiple Ecosystem Benefits**

In preparation for the Phase III WIPs, each Bay watershed jurisdictions could undertake a programmatic capacity analysis[11] to achieve and maintain pollution reductions necessary to meet the Bay TMDL. Such financial analyses would inform restoration policy and programs that would be detailed in the Phase III WIPs and future milestone commitments and could include an assessment of:

- Estimated costs associated with alternative pollution reduction strategies for achieving the state's pollutant reduction goals associated with the primary sectors including agricultural production, stormwater management, and wastewater management;
- Existing and/or potential revenue sources supporting restoration efforts, including local, state, and federal funding programs (e.g., stormwater utility fees);
- The level of pollution reduction that would be achieved through compliance with existing regulatory programs and participation in cost-share programs as currently funded; and
- Recommendations for how the jurisdiction could improve, accelerate, and/or incentivize implementation.

In addition, there is a need to better understand what decision support tools have been developed and are available for use for determining the cost-effectiveness of BMPs, as well as those tools that demonstrate multiple ecosystem benefits beyond just water quality. The Scientific and Technical Advisory Committee is hosting a workshop in February 2016 to "develop the requirements of an optimization engine that can simplify and guide Bay jurisdictions' efforts to develop Watershed Implementation Plans (WIPs) and Milestones that minimize implementation costs while achieving required reductions and maximizing co-benefits[12]." The results from this workshop could help inform additional efforts to promote such tools for WIP planning and implementation purposes.

Proposed Timeline:

- Determine scope of programmatic capacity analysis: March – May 2016
- Conduct programmatic capacity analysis: May 2016 – December 2016

IV. Equitability and Accountability (Clearly Articulate Local Goals and Responsibilities)

Stakeholder Concerns from Assessment Report:

"The biggest unknown is lack of clear direction from the state; the current MS4 permit does not have any targets for reduction."

"There is frustration that the locals did not have any role in the policy development. That is true for all sectors."

"The first step overall is much more concrete county-level allocations – challenge them to come up with plans to meet those allocations and a system to administer them with a circuit rider and a management team."

"We need to accept the limitations of the model, and if not useful at the county scale, or only for particular items at the county scale, we should not use it for those purposes."

[11] Support for such analyses is available through the Environmental Finance Center.
[12] http://www.chesapeake.org/stac/workshop.php?activity_id=251

"The first level is getting local governments to understand what they are and are not responsible for."

❖ **Action 8. Potential Development and Use of Local Area Targets[13]**

One of the biggest capacity needs identified during the Phase I and Phase II WIP processes was developing a game plan for engaging local partners, so localities are clearly aware of their role in meeting their state's WIP commitments. The development of local area targets could lead to more meaningful engagement by local partners in the WIP implementation process, and could help ensure equity across the source sectors in both regulated and unregulated communities.

The process for establishing local area targets should be tailored to each jurisdiction in order to reflect their unique governance structures, WIP priorities, and stakeholder groups, etc. Reviewing the process used in Maryland and Virginia, where they established county-level WIP targets, could inform other jurisdictions' efforts.

Technical assistance in developing these local targets will be necessary, so Bay TMDL goals and WIP commitments make sense at the local level. The following elements could be considered when exploring local area target development:

- How did federal agencies in coordination with state jurisdictions develop federal facility targets?
- How would local governments like to see local area targets expressed in order to maximize engagement and buy-in into the WIP and Bay TMDL process?
    - Targets that reflect pounds of pollution reduced or numeric BMP implementation goals
    - Targets expressed on a county, sub-watershed, or a regional basis
    - Targets within regulated sectors with permits, e.g., Enhanced Nutrient Removal wastewater treatment plant upgrades, nutrient management plans, stormwater reductions
    - Targets within the unregulated sector where accountability measures for implementation progress is needed
    - Targets for which significant funding is available, e.g., cover crops, Enhanced Nutrient Removal wastewater treatment plant upgrades, septic upgrades using Bay Restoration Funds (or other dedicated funding sources)
    - Targets for which legislation is on the horizon, e.g., urban nutrient management
    - Targets based on a percent of BMP implementation
    - Targets based on programmatic commitments

The approach of simply identifying specific load reduction responsibility is, by itself, not viable. The state jurisdictions need to include local partners in determining which loads each will take responsibility for reducing. A recommendation is to engage those at the county level first to gain an understanding of the process of determining their fair share of the allocation and what they need to do in order to meet that target.

In addition, a plan should be developed and in place for addressing the reduction of loads that are not governed by regulatory requirements. Local representatives should be identified that can build consensus around this issue.

The decision to establish local area targets has not yet been made by the CBP partnership. The following are suggested steps to be taken in order to determine if the local area targets are realistic and implementable:

[13] A cross-sector local area targets task force will be established to determine how and if such targets should be developed as part of the Phase III WIP process.

- Through the 2016 review period of the CBP partnership's Phase 6 modeling tools, determine if these modeling tools have the technical capacity to accurately produce targets at a finer scale than the state-basin targets.
- The state and local jurisdictions will need to determine the appropriate scale for local area targets based on what makes the most sense (e.g., county boundaries; sub-watersheds; federal facility boundaries; or political boundaries other than a county).
- Evaluate alternative means to express local targets (e.g., percent of BMP implementation)
- Each state jurisdiction should explain how nutrient reductions were divided across sectors and geographically. A justification of the allocation should be provided in terms of equity, practicality, or cost-effectiveness[14].

Proposed Timeline:

- Review of the Phase 6 modeling tools: January – December 2016
- Decision to develop local area targets: TBD

Table I. Phase III Action Plan Working Group Participants

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Sarah Diebel	Department of Defense
Tanya Spano	Metropolitan Washington Council of Governments
Norm Goulet	Northern Virginia Regional Commission
Margaret Enloe	Alliance for the Chesapeake Bay, Chesapeake Bay Program Office

[14] Local area targets are potentially in conflict with pursuing the most cost effective solution state-wide particularly for non-regulated nutrient loads. Targets aligned with defining who is responsible for a reduction could be a more effective strategy.