



Local Government Advisory Committee

to the Chesapeake Bay Executive Council

2006 Report to the Chesapeake Bay Executive Council
September 22, 2006



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Chesapeake Bay Executive Council**

2006 Annual Report
(Issued September 22, 2006)

In 2006 the Local Government Advisory Committee (LGAC) has met throughout the Chesapeake Bay watershed to discuss local government achievements and challenges in meeting the Chesapeake Bay 2000 Agreement goals. The Committee has engaged with Congressman Wayne T. Gilchrest, Co-Chair of the Congressional Chesapeake Bay Watershed Task Force, Chesapeake Bay Program staff, and numerous local stakeholders. Based upon this work and internal discussions, LGAC is pleased to offer the following summary report and recommendations to the Chesapeake Bay Program Executive Council (EC).

Executive Summary

- **For the coming year, LGAC requests that a combination of both federal and state funds be allocated for an outreach budget to address the technical and financial needs of local governments. This is LGAC's highest priority recommendation.** Local governments can accelerate the Bay's restoration only if each of the Bay Agreement jurisdictions – Maryland, Virginia, Pennsylvania, and the District of Columbia – individually support outreach that (1) clearly articulate the expectations for local governments in meeting Tributary Strategy goals and the urgency for taking action, and (2) provide the necessary technical and financial assistance and tools. This requires a coherent and coordinated strategy among the various agencies that work with local governments within each state, as well as funding to implement a targeted assistance program. In addition, the federal government has an important leadership role in providing the jurisdictions with funding that can leverage state funds to get the highest return on local government implementation of Tributary Strategy activities.
- **We ask the Executive Council to work with LGAC to mobilize the support of local government networks to further the implementation of the Chesapeake 2000 Agreement.** Many of our members hold leadership positions in each of their respective local government organizations. LGAC members welcome any opportunity to meet with the individual Executive Council members outside of the annual EC meeting to address state-or-D.C.-respective issues.
- **LGAC wishes to reinforce the need for sustainable financing to carry out watershed protection and restoration.** Your leadership in generating creative financing solutions that reflect a partnership of funds – local, state, federal and private dollars – is needed if we truly intend to accelerate restoration. Many local governments would benefit from financing counsel to help them understand options in sustainable strategies that fit their particular needs. In addition, we are concerned with deep cuts being proposed to the federal Clean Water State Revolving Fund (CWSRF), and we urge the Executive Council to work with us in advocating for the restoration of these federal funds. We are likewise troubled by the planned elimination of the Small Watershed Grants Program, which is the only dedicated funding stream to support small-scale restoration efforts. We ask that the Executive Council

and Chesapeake Bay Program proactively work with LGAC to mobilize the support of local government networks to address these funding concerns.

- **LGAC supports the reorganization of the Bay Program from a goal-setting and science-based program to one that focuses on accelerating implementation.** We see ourselves as productive partners in the Bay Program reorganization effort and have sent a letter to the Bay Program's Implementation Committee with specific recommendations on reorganization. Additionally, we welcome your ideas on how LGAC members can help the Bay Program restructure and refocus.
- **New Bay Program Initiatives** -- LGAC strongly supports the "*Healthy Lawns and Clean Water Initiative*," which creates a new partnership between the lawn care industry and Bay Program to control nutrient losses from lawns. The program's initial thrust to reduce phosphorus in Do-It- Yourself lawn fertilizers is a first step in what we hope will become a long term public/private partnership. LGAC also supports the Directive #06-2 "*Protecting the Forests of the Chesapeake Watershed*". This directive adds clarity to previous land conservation commitments by identifying those forested lands that provide the most value to watershed protection. Local governments play a critical role in adopting regulations and incentives that help protect these wooded lands, most of which are under private ownership. Finally, we recognize that viable, local, agricultural economies mean strong communities and so we support the Directive #06-1 *Assisting Farmers in the Chesapeake Region: A Call for Expanded Financial and Technical Assistance*. LGAC offers its own voice of support in conveying the Bay region's conservation funding needs to Congress as it deliberates the federal Farm Bill in 2007. We encourage the Bay Program leaders to work closely with local governments in carrying out these new commitments.

The Local Government Advisory Committee members want to use their time and experience in local government affairs for the maximum benefit of the Chesapeake Bay restoration. Thank you for your consideration of this annual report.

LGAC 2006 Report to the Chesapeake Bay Executive Council

FINAL DRAFT

**The Honorable Penelope A. Gross
Chair, Local Government Advisory Committee
Chesapeake Bay Program**

I am honored to be invited to speak with you today as the current Chair of the Local Government Advisory Committee. Chesapeake Bay issues are of particular interest to me, which is why I serve on the Chesapeake Bay Policy Committee of the Metropolitan Washington Council of Governments, the Bay Program's Local Government Advisory Committee, and was a member of the Chesapeake Bay Program's Blue Ribbon Financing Panel. I also chair Virginia's Potomac Watershed Roundtable, and I represent the Mason District on the Fairfax County Board of Supervisors.

I. Accelerating Watershed Restoration –

What to Do, How to Do It & How to Pay for It at the Local Level

For many years, the Executive Council and Chesapeake Bay Program have recognized the critical role of local governments in the protection and restoration of local streams, rivers and the Bay. Of the 98 commitments in the Chesapeake 2000 Agreement, 22 specifically involve local governments and other commitments imply local government involvement in the areas of land use, stormwater management, and water and sewer management.

For the C2K Agreement to be successfully implemented, you need local government involvement. Through Bay Program guidance documents and the Bay Partner Community Award program, some local governments know, in general terms, what actions they should take to help restore the Bay. However, the 1600-plus local government entities in the Bay Watershed are not effectively engaged. There is no clear, unified message as to why local governments should pay attention to the Bay Program's goals and call for action, especially in the non-tidal portions of the watershed. The Bay Program and its partners must do better.

This year's theme for the Executive Council meeting is *accelerating* the Bay's restoration. Local governments can accelerate the Bay's restoration only if each of the Bay Agreement jurisdictions – Maryland, Virginia, Pennsylvania, and the District of Columbia – individually support strategies that

- 1) Clearly articulate the expectations for local governments in meeting Tributary Strategy goals and the urgency for taking action, and
- 2) Provide the necessary technical and financial assistance and tools. This requires a coherent and coordinated strategy among the various agencies that work with local governments within each state, as well as funding to implement a targeted assistance program.
- 3) We understand that it may not be the federal government's role to work directly with local governments, but the federal government does have an important leadership role in providing the jurisdictions with the funding necessary for the states to leverage funds and target their local governments for the most return on Tributary Strategy progress.

The degree to which the Tributary Strategies clearly articulate expectations for local government varies among the jurisdictions. We encourage each jurisdiction to develop implementation strategies targeted to local governments. Specific actions should be outlined, with explanations of how state or federal agencies and programs can help them meet these expectations through existing programs or innovative financing strategies. Strategies should set priorities for each jurisdiction, either geographically or programmatically.

One of the challenges to developing these strategies for local government is the fact that many local government actions are not captured in the Chesapeake Bay Model, which tracks the implementation of specific Best Management Practices (BMPs). This explains why states focus their Tributary Strategies on measurable BMPs – agricultural, waste water treatment, and certain stormwater management practices, some of which are under the realm of local government authority. However, there are a host of local policy decisions that collectively either help or harm the Bay watershed. Though not measurable in the traditional sense of counting BMPs on the ground, these policies and supporting regulations and programs are critical to watershed

protection. Local governments need help understanding the science, the tools, and the local long term benefits to making unconventional policy choices.

Geographic Information System, or GIS, tools are particularly useful for local government decision making. The development of modeling tools could help communicate the impacts of land use patterns and design on local water quality. It would be useful to have a clear understanding of what GIS tools are being promoted in each of the Bay jurisdictions, their availability to local governments, and how the Bay Program's GIS initiatives support decision making at the local level.

Real world implementation of tributary strategies raises other challenges. There exists a fear among local governments that an investment made today with limited tax dollars may be for naught if the state or federal rules change tomorrow. In other words, there is no assurance that a local government that upgrades its sewage treatment plant, for instance, will not be required to invest in something completely different if water quality conditions do not improve for the Bay over time. Will population growth negate their efforts? It's a question of local governments feeling comfortable making fiscal or policy decisions, knowing full well that the Bay's recovery depends on a complicated mix of inputs, and that expectations or requirements may change.

This point also relates to the "real question" raised at many of our LGAC meetings – what will happen if we don't do x, y or z? Many local government officials want to support C2K goals; however, there is no real urgency behind the 2010 deadline for local government officials. What are the consequences of not dealing with these issues in the present? Are there regulatory requirements looming if you don't take pro-active steps to protect local water quality? Can the Bay Program or states offer incentives to encourage action today, not tomorrow? How can local governments finance local programs to get the job done? How can each jurisdiction communicate to their local governments that it's cheaper to protect than restore – that there are very real local benefits to changing the rules? How can we help elected officials gain public support for tough land use policy decisions? These are questions not yet answered in the minds of local officials.

With regard to technical and financial assistance, outreach must be tailored to the abilities of large and small jurisdictions. Differences in local government access to technology must be considered during the development of communications strategies. A strong, structured technical assistance program to local governments is needed, especially in smaller, more rural jurisdictions that lack staff expertise in stormwater management and watershed protection. In many localities, watershed management is still not reflected in land use planning. As a result, development patterns and practices ignore the many values that riparian buffers, protected floodplains and protected natural resource lands offer for water quality, water supply, and wildlife habitat. More importantly, as a local elected official, I know that local government officials need to understand the local benefits that would result from changes in land use policies. Otherwise, they won't be persuaded to defend these changes before their constituency.

For the coming year, LGAC requests that a combination of both federal and state funds be allocated for an outreach budget to address these needs. Suggested approaches include a coordinated network of service organizations and agencies or a program mirrored after the Cooperative Extension Service for agriculture or Nonpoint Education for Municipal Officials (NEMO) program. There are components that could be best served through a collective Chesapeake Bay Program approach, while other components would need to be tailored to each jurisdiction's unique structure of local governments.

II. A Unified Voice for Local Governments in the Bay Watershed

LGAC members are also interested in helping to unify the voices of the more than 1,650 local governments throughout the 64,000 square-mile Chesapeake Bay Watershed. That's not an easy job, given the individual Tributary Strategies and different areas of state emphasis. However, a unified message – or common focus or direction for local governments -- before the U.S. Congress (and even state legislatures) can help elevate the importance of Chesapeake Bay region's funding needs – needs that compete annually with other renowned water bodies, such as the Great Lakes and Florida everglades.

Furthermore, local governments throughout the Bay region need not limit their support to local government needs. In the spirit of a true partnership program, we can, for instance, lend support to requests for Farm Bill conservation programs. We support the new Directive #06-1 *Assisting*

Farmers in the Chesapeake Region: A Call for Expanded Financial and Technical Assistance and offer our own voice in conveying these needs to Congress as it deliberates the federal Farm Bill in 2007. In fact, at our August 25th LGAC meeting, we took action to direct LGAC members to send letters of support to their respective Members of Congress to support the Assisting Farmer's Directive.

III. Financing Local Initiatives

LGAC wishes to reinforce the need for **sustainable** financing sources to carry out watershed protection and restoration. One-time grants are used successfully to implement certain restoration projects; however, it's the long term responsibilities at the local level that need sustainable support. For instance, stormwater management programs require support for plan reviews, stormwater retrofits, enforcement of regulations, long term maintenance of public facilities, and public outreach. Wastewater management requires plant upgrades, improved septic system management programs, and an understanding of alternative treatment technologies. Land use decisions require effective use of GIS technologies.

The concept of a regional Chesapeake Bay Financing Authority, capitalized by federal and state funds, is one option worth reconsideration. Many local governments would benefit from financing counsel to help them understand options in strategies that fit their particular locality. Your leadership in generating creative financing solutions that reflect a partnership of funds – local, state, federal and private dollars – is needed if we truly intend to accelerate restoration.

In addition, we are concerned with deep cuts being proposed to the federal Clean Water State Revolving Fund (CWSRF). While local governments and our State partners are working to increase funding for clean water programs, the federal SRF is being targeted for cuts totaling \$199.2 million. Many local governments, especially in rural areas, in the Bay watershed depend on this federal funding to pay for high priority water pollution control projects, and the proposed budget cuts are exactly the opposite of what's needed to achieve our goal of a clean and healthy Bay. LGAC urges the Executive Council to work with us in advocating for the restoration of these federal funds. Wastewater treatment requires a partnership of funds between local, state and federal sources.

LGAC also is troubled by the planned elimination of the Small Watershed Grants Program, which is the only dedicated funding stream to support small-scale restoration efforts. Funds redirected into the Targeted Watershed Program, while serving worthwhile purposes, only undercut dollars available to the smaller communities that don't have the means to undertake larger scale initiatives. We support the Bay Program's efforts to optimize all sources of funding under the Chesapeake Bay Watershed Assistance Network; however, how do we accelerate restoration when the Chesapeake Bay Program has operated under the same level of funding (about \$19 million a year) since 1994? The Program is expected to do more with fewer real dollars, which jeopardizes sustainability of all efforts.

Many of our members hold leadership positions in each of their respective local government organizations. During the next year, it is important for the Bay Program partners to work proactively with LGAC to mobilize the support of these local government networks in all of these areas. Additionally, LGAC members welcome opportunities to meet with the individual Executive Council members outside of the annual EC meeting to address jurisdiction issues.

IV. Chesapeake Bay Program Re-Organization

The Bay Program recognizes the need to shift from a goal-setting and science-based program to one that focuses on accelerating implementation. LGAC members welcome this shift in program focus. LGAC looks forward to a meaningful process evaluation on the form and functions of the Bay Program. We are open to looking at our own roles as an Advisory Committee. We will engage our members in discussions on potential ways we can accelerate implementation progress. We see ourselves as productive partners in the Bay Program reorganization effort and have sent a letter to the Bay Program's Implementation Committee with specific recommendations on reorganization. Additionally, we welcome your ideas on how LGAC members can help the Bay Program restructure and refocus.

There are opportunities for the Bay Program to involve the business community to a greater extent in the workings of the Bay Program. Continued efforts to engage the private sector in nutrient trading, the *Businesses for the Bay* program, and reduced-phosphorus fertilizer products

are just a few of the many ways in which business communities can be involved in protecting the Bay. Innovative partnerships and private-public solutions will accelerate Tributary Strategy implementation and help our communities enjoy the benefits of local water quality improvements.

LGAC supports the recommendations of the Chesapeake Bay Watershed Blue Ribbon Finance Panel to expand the participation of the headwater states. We are encouraged to see New York, Delaware, and West Virginia's continued participation in the Bay Program partnership. There may be other opportunities for headwater participation in the Bay Program reorganization process and at the Executive Council level.

V. New Bay Program Initiatives

LGAC strongly supports the “Healthy Lawns and Clean Water Initiative,” which creates a new partnership between the lawn care industry and Bay Program to control nutrient losses from lawns. Historically the Bay Program has relied on government-led efforts in reducing nutrient loads to the Bay; this initiative sets a bold precedent for private, commercial partners to work with government and university leaders in setting new product standards that will serve to reduce nutrient loadings. The program’s initial thrust to reduce phosphorus in Do-It-Yourself lawn fertilizers is a first step in what we hope will become a long term public/private partnership. We applaud all the partners involved for taking a strong leadership role in this business venture.

LGAC also supports the new Directive #06-2 “*Protecting the Forests of the Chesapeake Watershed*.” This directive adds clarity to previous land conservation commitments by identifying those forested lands that provide the most value to watershed protection (forested wetlands and floodplains; headwaters and steep slopes; forests protecting drinking water supplies; large contiguous blocks of forest; and sustainably managed working forests). Local governments play a critical role in adopting regulations and incentives that help protect these wooded lands, most of which are under private ownership. We encourage the Bay Program leaders to work closely with local governments in carrying out these new commitments.

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In closing, the Local Government Advisory Committee members take their appointments very seriously and we want to use our time and experience in local government affairs for the maximum benefit of the Chesapeake Bay Program and Bay restoration. Thank you for your attention and consideration of this annual report.

2006 LGAC Membership

VIRGINIA

Mr. Paul Fisher- Executive Director, Richmond Regional Planning Commission
The Honorable Penny Gross- LGAC Chair, Fairfax County Board of Supervisors
The Honorable Kandy Hilliard- Stafford County
The Honorable Gerry Hyland- Fairfax County Board of Supervisors
The Honorable Sally Thomas- LGAC VA Vice-Chair, Albemarle County Board of Supervisors
Mr. William Whitley- Gloucester County Administrator

WASHINGTON, DC

Ms. Shelia Besse- LGAC DC Vice-Chair, District Department of the Environment
Mr. John Deatrick- District Department of Transportation

MARYLAND

The Honorable Effie M. Elzey- Dorchester County Council
The Honorable Phyllis Kilby- Cecil County Commissioner
The Honorable Ellen Moyer- Mayor of Annapolis City
The Honorable Kelly Porter- Seat Pleasant City Council
The Honorable Marilyn Praisner – LGAC MD Vice-Chair, Montgomery County Council
The Honorable Robert C. Willey- Mayor of Easton

PENNSYLVANIA

The Honorable Philip Briddell- LGAC PA Vice-Chair, York Township Commissioner
The Honorable A. Carville Foster- Springfield Township Supervisor
The Honorable Russell Pettyjohn- Mayor of Lititz Borough
The Honorable Ann Simonetti- President, Marysville Borough Council
The Honorable Carol Simpson- Manheim Township Commissioner
Mr. James Wheeler- Director of Environmental Affairs, PA State Assn of Township Supervisors
The Honorable Kenneth J. Wingo, Jr. - Potter County Commissioner