



LOCAL GOVERNMENT ADVISORY COMMITTEE

REPORT TO THE CHESAPEAKE EXECUTIVE COUNCIL

May 12, 2009
Mt. Vernon, VA

Introduction

The members of the Local Government Advisory Committee, separately appointed by each member of the Executive Council, feel that there has never been a better opportunity for a renewed, vigorous effort to accelerate restoration of the Chesapeake Bay. Already there is a sense that actions taken by the new Administration have elevated the importance of the Bay to a higher, more visible level. EPA Administrator Lisa Jackson's presence here today and her appointment of Chuck Fox as a Special assistant for the Bay Program are hopeful signs of this renewed focus.

Certainly there is much work for EPA to do, particularly in evaluating current best management practices to help local governments make informed decisions about when and where to apply them. But there is also a growing recognition that the kinds of actions that will accelerate restoration in tidal and non-tidal states must happen at the local level. Most of the 1,800 local governments in the Bay watershed are responsible for managing land use and for adopting and enforcing local ordinances and regulations that protect water quality. For accelerated implementation of restoration programs to occur, local governments need to be sure that the actions they require of their residents are proven effective in incrementally improving the Bay's waters.

Our message is simple. We need action now. And we need a strong bottoms-up, locally based implementation effort if we are going to meet the goals agreed to by the Executive Council in the short time frame remaining.

Specifically, the Local Government Advisory Committee agrees that three priorities are critical to meeting our objectives:

1. Circuit Rider

We ask each member of the Executive Council to support the work of our Circuit Rider demonstration projects and look for opportunities to expand the concept where appropriate within each member jurisdiction.

- Since our last report to you in November 2008, EPA has funded two Circuit Rider demonstration projects as called for by LGAC. Both approaches promise to overcome the barrier of a lack of technical assistance to help local governments implement effective restoration projects on the ground. Circuit Riders are the action agents who will bring all the federal, state, local, and partnership resources together to make projects happen in local communities.
- LGAC commits itself to closely monitor the results of these initial Circuit Rider programs and to communicate the resulting best practices to local governments throughout the Bay watershed. LGAC will also work closely with the Bay Program to promote the Circuit Rider concept to other local governments in the watershed.
- In the course of these projects, LGAC expects to develop metrics that will measure the success of Circuit Rider programs and projects. We will promote a Circuit Rider model that will contain all the elements of a successful program that states may adapt to the particular needs of their own local governments. More importantly, LGAC will develop reliable methods for evaluating the projects to make sure they work.

2. Stormwater

We ask the members of the Executive Council to work in partnership with local governments to develop cost-effective solutions to stormwater management.

- Studies have consistently shown that urban and rural stormwater runoff is the second-largest contributor to nutrient and sediment pollution in the Bay. LGAC recognizes that one of local governments' most critical opportunities to contribute to Bay protection and restoration is in the area of stormwater policy and regulation. The authority given to local government officials to prevent stormwater runoff is one that needs closer examination in the immediate future. Further, the solutions to the stormwater runoff problem are generally costly, especially in urban areas. Additional resources must be made available to local governments and to

the development community so that measureable reductions in stormwater runoff are achieved.

- To the extent possible, LGAC will participate in Bay Program and partner stormwater initiatives that show promise for significant reduction of runoff. The Advisory Committee will also examine local success stories, as well as those considered failures, to develop a list of policy and regulatory measures that local governments may use to address stormwater issues in their own jurisdictions. LGAC recognizes that it must assist the Bay Program and its partners in communicating options that local governments can use in implementing stronger policies and regulations.
- The LGAC goal is to develop the characteristics of good, useful regulations, come up with uniform standards for urban and rural areas, and ask jurisdictions to implement regulations that will meet the Bay's water quality goals. New ordinances and regulations must be accompanied by messaging campaigns that will lead to their successful adoption. To that end, LGAC will cooperate with the Scientific and Technical Advisory Committee in effort to add a political and social dimension to a future STAC workshop on stormwater, LID's, and climate change.

3. TMDLs

LGAC is already working with the Bay Program and its partners to develop a TMDL Game Plan for involving local governments in the upcoming public meeting phase beginning this June. We ask that each member of the Executive Council commit to instructing the appropriate state agency to have a full and meaningful dialogue with their local governments.

- There is no more critical and immediate issue for local governments than the development of the Chesapeake Bay-wide Total Daily Maximum Load (TMDL) allocation. LGAC insists that local governments throughout the Bay watershed be more involved in any discussions about implementing TMDLs in the Bay region, especially if, as expected, TMDLs may be allocated down to the city, municipal, or county level in one or more of the jurisdictions in the Bay Agreement.
- If local governments are given the responsibility for meeting TMDLs, they must also be given the necessary financial resources and regulatory powers to meet the requirements. Requiring local governments to enforce stricter regulations may force many to enact new fees or raise taxes. That could put local officials in a political bind as well as foster local resistance to a TMDL. We need a shared funding plan that will lead to successful implementation of the Bay-wide TMDLs. We also need to determine the legal liability for failure to implement and meet the TMDLs.

- LGAC will continue to work with the Bay Program to ensure that local water quality concerns will be heard as TMDLs are developed and communicated to both local governments and the general public. Each state within the Bay region may choose its own strategy for developing and implementing TMDLs, but that strategy must include full cooperation and collaboration with local elected and appointed officials. For example, there is some local concern that too stringent allocations in urban areas may cause sprawl in less developed areas. Our goal is early involvement in TMDL decision making and full participation in the process of communicating decisions to local governments throughout the watershed.