

Metropolitan Washington Council of Governments

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*Adjunct Member

April 30, 2015

Nicholas DiPasquale, Chair
Chesapeake Bay Program Management Board
U. S. Environmental Protection Agency
410 Severn Avenue
Suite 112 Annapolis, Maryland 21403
DiPasquale.Nicholas@epamail.epa.gov

Dear Mr. DiPasquale,

I am writing on behalf of the Chesapeake Bay and Water Resources Policy Committee of the Metropolitan Washington Council of Governments to provide comments on the draft Management Strategies needed to address the goals of the new Bay Watershed Agreement (June 2014). We appreciate the opportunity to comment on these draft management strategies given our shared goals of protecting and restoring water quality – locally as well as in the Bay. We recognize the challenges of working to address the complexities inherent in advancing the Bay Restoration efforts, and we applaud the Partnerships' efforts to provide an open and accessible process for providing stakeholder input. This is especially important for local governments that have a unique role in implementing many of the programs and processes used to support the Bay restoration effort.

COG's Policy Principles for Regional Water Quality call for Holistic Requirements, Equitable Responsibility, Sound Science, and Communication and Voice; and in that context we are submitting specific comments and recommendations on those strategies that we believe have the most relevance to the metropolitan Washington region. In addition to the specific strategy comments that have been provided in the attached table, we also believe that the strategies need to be revised to address the following overarching points:

1. **Streamline/Simplify the Structure and Organization of the Management Strategies –** Efforts should be made to simplify and streamline the existing documents so that it is clearer who is responsible for specific actions, and to clarify which of those actions would be new initiatives versus expanding current efforts/programs.
2. **Clarify that the Partnership Will Leverage and Integrate Their Work with Existing Local Government Programs –** Local governments already have many programs in place from education and outreach to implementation. So it is important that these strategies be worded to clearly support and enhance local programs and priorities; including tailoring support and messaging to address actual local needs (e.g., as those in the COG region may not be the same as in other parts of the watershed).
3. **Articulate How the Partnership Will Utilize Adaptive Management to Address Expected Changes in Science and Implementation -** It is important that the strategies demonstrate more clearly how Adaptive Management will be used to address expected

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changes over the coming years; to explain how local governments will have a voice in decisions that would have substantive or financial impacts on existing programs and commitments - as well as being able weigh-in on priorities and the pace of implementation. All of this will be critical in order to properly manage public expectations and continued support for these efforts.

4. **Articulate How the Partnership Will Coordinate with Local Governments and Work to Holistically Address Watershed-wide Issues** – With the addition of Toxics and Climate Change to the suite of management strategies, the Partnership has significantly expanded the scope of its restoration efforts. The ubiquitous and legacy nature of many toxic contaminants and the watershed-wide impacts of climate change will require much more holistic approaches rather than reliance on traditional single source, permit driven approaches. Therefore it will be important for the Partnership to work closely with local governments to build upon existing local efforts, to integrate with applicable existing federal efforts/programs, as well as to consider broader watershed-wide solutions.
5. **Integrate Shared Elements of Strategies and Apply a More Holistic Approach** – The strategies should clarify how the Partnership intends to work across the various strategies to achieve shared objectives and outcomes. For example, it would help to understand the linkages and achieve greater synergies between the various strategies if there was a summary that noted common themes/efforts across all of the strategies.

As we noted when we commented on the new Bay Watershed Agreement, the COG region and its members continue to implement a wide range of innovative practices and technologies, make significant financial commitments to these efforts, and are making great strides in improving water quality locally, in the Potomac River, and to mitigate our region's impacts to the Bay.

Should you have questions about these specific comments or COG's Bay policies in general, please contact Tanya Spano of COG staff, tspano@mwkog.org or 202-962-3776.

I look forward to our continued dialogue with the Bay Partnership on these important issues, and recommend that we continue to discuss these matters in greater detail at our annual water quality forum with the EPA and states.

Sincerely,



Craig Rice
Chair, Chesapeake Bay and Water Resources Policy Committee
Metropolitan Washington Council of Governments

cc: Members, COG Chesapeake Bay and Water Resources Policy Committee
Ben Grumbles, Maryland Secretary of the Environment
Mark Belton, Maryland Department of Natural Resources
Molly Ward, Virginia Secretary of Natural Resources
David Paylor, Virginia Department of Environmental Quality
Tommy Wells, District of Columbia Department of the Environment

Attached: CBP Management Strategies – Summary Table of Comments from COG's CBPC

CHESAPEAKE BAY PROGRAM MANAGEMENT STRATEGIES
SUMMARY TABLE *(as of 4/30/15)*

Management Strategies	Key Features of Interest or Concern to CBPC & COG Region	COG CBPC Comments & Recommendations
Public Comment Period: March 16 – April 30, 2015		
<u>Fish Passage</u>	Eliminating barriers to fish passage is an issue for some local waters/local fish species (e.g., Shad).	1. Recommend that the strategy also work toward enhancing fish passages for local waterways – not just with dams and major tributaries.
<u>Oysters</u>	Issue is of general interest to COG region to ensure that use of all potential mechanisms for restoration, manmade and natural, are utilized for overall Bay/Tributary water quality benefits.	2. Support continued efforts to rebuild robust oyster populations and restoration of a key living resource. 3. Recommend that the Partnership carefully evaluate whether the equity issues associated with such measures would be appropriate to consider as part of a spectrum of natural BMPs.
<u>Submerged Aquatic Vegetation</u>	Healthy natural SAV is an important local water quality issue for the embayments and portions of the Potomac River.	4. Support the Partnership's efforts to protect and restore natural SAV in small estuaries and along the Potomac – not just in the larger Bay.
<u>Forest Buffers</u>	Trees provide a variety of environmental benefits that support water quality and other environmental programs in the COG region.	5. Support the Partnership's efforts to protect and enhance use of forest buffers – given multiple benefits. 6. Recommend that the Partnership find ways to ensure that those efforts are fully credited in order to support local efforts.
<u>Tree Canopy</u>	Preservation of and expansion of urban tree canopy aligns well with COG region goals.	7. Support the Partnership's efforts to meet tree canopy goals, recognizing the multiple benefits. 8. Recommend that the Partnership ensure that flexibility is allowed in how to achieve those goals at a local level given the many competing demands/requirements.

<p>Management Strategies</p> <p>Public Comment Period: March 16 – April 30, 2015</p>	<p>Key Features of Interest or Concern to CBPC & COG Region</p>	<p>COG CBPC Comments & Recommendations</p>
<p><u>2017 & 2025 Watershed Implementation Plans</u></p>	<p>The Bay TMDLs and the associated WIPs continue to be critical water quality drivers for wastewater and stormwater programs and financial investments being made in the COG.</p>	<p>9. Support the Partnership’s efforts to address climate change impacts and implications.</p> <p>10. Recommend that there be clear and demonstrable use of Adaptive Management as well as Integrated Planning/Permitting by the Partnership as a central part of the ongoing TMDL/WIP process - so that long-term goals and continued progress is supported rather than undermined by self-defined deadlines and short-term permit cycles. This would include ensuring that local governments are not penalized for delays in the issuance of permits or changes made to assumed baseline conditions. It will also be critically important to ensure that these efforts are paced in a manner that is affordable, feasible, and equitably addressed. All of this is necessary in order to ensure continued public support for these measures.</p> <p>11. Recommend that no actions be taken by the Partnership that would limit or constrain local governments/utilities ability to utilize all available reductions.</p> <p>12. Recommend that no actions be taken by the Partnership that would reassign loads between sectors without agreement at all levels of government – including local governments (i.e., ensure that the principles of equity and shared responsibility are maintained).</p>

<p>Management Strategies</p> <p>Public Comment Period: March 16 – April 30, 2015</p>	<p>Key Features of Interest or Concern to CBPC & COG Region</p>	<p>COG CBPC Comments & Recommendations</p>
		<p>13. Support the Partnership’s use of a CBP facilitator to get local input on Phase III WIPs.</p>
<p><u>Water Quality Standards Attainment and Monitoring</u></p>	<p>The application of Sound Science is COG Policy Principle; and the use of actual monitoring data whenever possible to assess water quality is an important issue for COG members own water quality programs.</p>	<p>14. Support the Partnership’s efforts to use monitoring data as a fundamental tool to monitor and assess progress whenever possible (rather than overreliance on modeling).</p> <p>15. Recommend that the strategy clearly define the uncertainty in estimating and the inherent variability in loads so as to more accurately portray the challenges of implementation and to better inform policy makers.</p>
<p><u>Toxic Contaminants Policy</u></p>	<p>Recognition that while these are often national/international issues; that there are also locations in the COG region where toxic contaminants are a local water quality issue (e.g., Anacostia River), and that many such contaminants are ubiquitous in the region (e.g., the PCB TMDL for Potomac River).</p>	<p>16. Support the Partnership’s efforts to better understand toxic contamination and to identify actual toxic sources.</p>
<p><u>Toxic Contaminants Research</u></p>		<p>17. Recommend that the strategies address the actual sources and not just the transmission pathways for these contaminants.</p> <p>18. Recommend that any Partnership actions coming out of the strategies put the relative risk of contaminants into perspective rather than conveying that any/all compounds present inherently equal risk.</p> <p>19. Recommend that the strategies and the Partnership agree to the use of holistic, watershed-wide strategies and programs to identify and address ubiquitous toxic substances;</p>

Management Strategies Public Comment Period: March 16 – April 30, 2015	Key Features of Interest or Concern to CBPC & COG Region	COG CBPC Comments & Recommendations
		<p>as the use of wastewater and stormwater permits are generally not an appropriate or effective vehicle to address contaminants that are widely dispersed in the environment or for legacy contamination sources. This should include clearly integrating the strategies with applicable federal programs (e.g.,</p>
<u>Climate Adaptation</u>	<p>Recognize that the potential impacts of climate change (e.g., changes in precipitation and temperature, as well as sea level rise, etc.) may affect water quality as well as the effectiveness or performance of existing BMPs – which would be an issue for the entire Bay watershed restoration efforts as well as the COG region.</p>	<p>20. Support the Partnership’s efforts to quantify impacts of climate change on Bay restoration efforts – both on water quality and the Bay watershed’s living resources, as well as on the effectiveness of various management controls.</p> <p>21. Recommend that the Partnership evaluate water quality improvement strategies in a holistic, multi-media manner so that any potential trade-offs between load reduction to achieve water quality goals and the generation of greenhouse gases are identified and weighted appropriately.</p> <p>22. Recommend that the strategies identify how climate change and its water quality implications (i.e., changes to water quality standards and/or BMP efficiencies) will be reflected in changes to the Bay TMDL and permit requirements (i.e., how will Adaptive Management actually be utilized to make necessary adjustments).</p>
<u>Climate Monitoring/Assessment</u>		
<u>Land use Methods & Development</u>	<p>Land use and planning functions are a fundamental role of local governments and therefore any characterizations of or</p>	

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<u>Land Use Options Evaluation</u>	actions that might be taken would be of concern to the COG region.	24. Support the Partnership’s efforts to improve knowledge of the impacts of changes in land use.
<u>Protected Lands</u>		25. Support the Partnership’s efforts to improve funding for and enhancing land conservation efforts.
<u>Stream Health</u>	Supporting and protecting local waterways and water quality is a priority for the COG region.	26. Support the Partnership’s efforts to quantify multiple benefits of stream restoration efforts. 27. Recommend that more emphasis should be placed in the strategy on addressing the holistic and multiple benefits of stream restoration efforts in Bay Watershed Model and regulatory assessments.
<u>Healthy Watersheds</u>		28. Support the Partnership’s efforts to better define, identify and protect healthy watersheds, while continuing ongoing efforts to restore other watersheds.
<u>Citizen Stewardship</u>		29. Recommend that efforts to advance citizen stewardship should be done in a manner that supports existing local governments’ efforts – which would include messaging that helps manage public expectations.
<u>Diversity</u>	Efforts to expand, enhance and improve outreach and education efforts are priority issues for addressing stormwater permit and other environmental initiatives in the COG region.	30. Support the Partnership’s efforts to address the needs of youth, underrepresented communities, and to improve on communication/outreach, but do so in a manner that supports existing local governments’ efforts.
<u>Environmental Literacy Planning</u>		31. Support the Partnership’s efforts to improve environmental literacy while working with existing state

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		and local government programs in order to maximize efforts and avoid duplication.
<u>Local Leadership</u>	COG region is recognized by the EPA and states for its leadership to improve water quality and contribute to the Bay Restoration efforts (e.g., through the use of state of the art wastewater facilities, and the use of innovative stormwater management programs and practices).	32. Support the Partnership’s efforts to improve the knowledge and understanding of elected officials, and to provide resources/mechanisms to do so based on what local needs are. 33. Recommend that the Partnership work with local governments to integrate messaging, outreach, and education efforts not only to avoid duplication of effort; but also to ensure that the public gains a more complete and consistent understanding of these water issues. 34. Recommend that the strategy more clearly integrate this work with the Diversity and Environmental Literacy management strategies. 35. Recommend that where local leadership has that knowledge and understanding (e.g. in COG region); that the Partnership continue to work with that local leadership to enhance the voice and input of local governments and help support efforts to demonstrate the local benefits of these efforts.