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TO: Chesapeake Bay Program (agreement@chesapeakebay.net)

FROM: Tom Devilbiss, Director
Carroll County Land & Resource Management

RE: ***Draft Two-Year Work Plans for Chesapeake Bay Watershed Agreement Management Strategies***

DATE: March 7, 2016

The draft two-year work plans appear to contain many positive and helpful actions and performance targets. Taken as a whole, implementation of these actions will surely lead to significant progress toward restoring the Chesapeake Bay. While the Key Actions and Performance Targets provide more specific actions than the Management Strategies, as usual, the devil may still be in the details. Many Key Actions or Performance Targets do not specify the ultimate impact to local jurisdictions. Therefore, we are left to speculate on the potential direction and impact on local governments until more details are fleshed out. In addition, the short period of review of this voluminous document certainly created a significant challenge to our agency.

The following comments relate to the work plans overall, applying across the board to multiple Management Strategies, Key Actions, and Performance Targets:

- As a leader in agricultural land preservation, we **support** the action items under the Protected Land Management Strategies Work Plan to **increase funding** for local governments and raise awareness **for land preservation**. Any actions throughout any of the Management Strategies that lead to increased and consistent funding to local governments for implementation would be extremely beneficial.
- The work plans overall offer beneficial movement toward Chesapeake Bay restoration. Local governments place a keen focus and priority on Bay restoration efforts required first and foremost in their NPDES MS4 permits, followed by those called for in the Watershed Implementation Plans. It does, however, bear repeating that local governments have limited resources for following or participating in the many environmental efforts and initiatives that vie for local government attention and action, and quite often overlap. The Management Strategies potentially heap on another level of additional expectations and implementation

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costs and activities. The **cost burden and time commitment already borne by local governments to comply with the permits and make progress toward achieving the TMDLs is substantial.**

- **Local decisions**, including those **related to land use**, have a significant role in the Bay restoration efforts. Any future action regarding land use should **maintain local control over land use decisions**, where intimate knowledge of local landscapes and communities is crucial to appropriate decisions. We do not support additional mandates for comprehensive plans or local zoning codes and ordinances. Comprehensive plans are already getting too complex and cumbersome, removing some of the flexibility to address unique local character and issues. Local zoning is closely tied to the comprehensive plans and implementation of its land use. Zoning should strictly remain under local control.
- The work plans include many reports and work products that could have a significant impact on local governments. A **public process** to provide input to and review/comment on the many **reports** and **work products** needs to be integrated to the process when they are drafted, **before** they are **finalized**, and issued. Local government input and coordination is essential to developing policies that are feasible and fiscally possible, as well as provide the local level knowledge of the science that can support it. Let's not continue the process of creating fiscal responsibilities without first investigating the capacity and cost/benefit to implement those strategies.

The following comments relate to specific Key Actions and Performance Targets for which the information that *is* included draws concern regarding their potential direction and impact to Carroll County.

Goal/ Management Strategy	Key Action or Performance Target	Comment
Protected Lands	<u>All</u>	As a leader in agricultural land preservation, we especially support the action items under the Protected Land Management Strategies Work Plan to increase funding for local governments and raise awareness for land preservation.
Stream Health	<u>MA 1, KA 2</u> : Establish 2008 baseline and approach for determining future trends (% change).	This information could have significant impacts on local jurisdictions and their land use. The process should be publicly vetted and the results and work products shared for input prior to releasing a draft. All local jurisdictions should be asked to provide input, rather than a select few.

MA = Management Approach; **KA** = Key Action;

Goal/ Management Strategy	Key Action or Performance Target	Comment
	<p>MA 3, KA 6, 7, & 8:</p> <p>6. Develop a “Stream Restoration Permit Committee” of the Stream Health Work Group that brings practitioners, regulators and the regulated community together to resolve issues and find common ground to identify actions to streamline stream restoration project permit review process.</p> <p>7. Work with federal, state regulatory agencies and local governments to develop streamlined process to evaluation WIPs, MS4 restoration plans, or other relevant site analyses as sufficient documentation for alternative site analyses in support of stream restoration permits.</p> <p>8. Establish minimum stability monitoring requirements for restoration projects.</p>	<p>Many states are delegated the authority to administer the MS4 permit, and each approaches the permit language and requirements differently. Any actions should be pursued outside of the permit and not pursued as an addition to the permit language. These permits have gotten more stringent over time and already represent a substantial commitment and effort on the part of the permittees.</p> <p>If state or federal agencies want to provide funding to academics for monitoring or to do work outside the permit process, we will support this effort and cooperate. However, the Key Actions here have the potential to result in a log jam to the already overly complicated and lengthy process of stream restoration permitting. Actual projects will never get done, particularly within the five-year MS4 permit term.</p>
	<p>MA 4, KA 10, Point 2: Review BSID Analysis, sediment TMDLs and MS4 permits to determine best way for biological stressors identified by the BSID and classified as 4c can be addressed.</p>	<p>Some of this appears to already be included in the MS4 permit holder’s responsibilities. This discussion should be held and coordinated with the MS4 permit holders across the watershed.</p>
<p>Tree Canopy</p>	<p>MA 2, KA 3: Work with stormwater program managers (federal /state/ local) to better integrate urban tree canopy and riparian buffer goals with TMDL/WIP implementation and MS4 programs.</p>	<p>What is the intent related to the integration of urban tree canopy and riparian buffer goals into the MS4 permit programs and permits? Any discussion related to the MS4 permits should include the MS4 permit holders.</p>

Goal/ Management Strategy	Key Action or Performance Target	Comment
<p>Healthy Watersheds</p>	<p>MA 1, KA 1 3rd, Point 2: Explore a science-based process to potentially include additional healthy watersheds for protection as needed.</p> <p>MA 1, KA 2, Point 8: Develop vulnerability information for healthy waters and watersheds in Maryland.</p>	<p>Any process to identify additional “healthy watersheds” should be vetted through and reviewed by local governments before finalizing or implementing.</p>
	<p>MA 1, KA 4 3rd, Point 2: Expand stream monitoring in order to identify new healthy watersheds.</p>	<p>Who will be responsible for this additional monitoring? Local governments have limited resources to add activities beyond those already required in the MS4 permits.</p>
	<p>MA 1, KA 1, Point 5: Develop and implement communications to local communities to support integration of healthy watershed protection into local comprehensive plans.</p> <p>MA 1, KA 2, Point 5: Support local green space planning and protection by incorporating conservation methods into other planning efforts (ex. State Planning Board, county comprehensive plans, and local zoning ordinances)</p>	<p>Local decisions, including those related to land use, have a significant role in the Bay restoration efforts. Any future action regarding land use should maintain local control over land use decisions, where intimate knowledge of local landscapes and communities is crucial to appropriate decisions. Comprehensive plans are already getting too complex and cumbersome, removing some of the flexibility to address unique local character and issues. We do not support additional mandates for comprehensive plans. Local zoning is closely tied to the comprehensive plans and implementation of its land use. Zoning should strictly remain under local control.</p>
	<p>MA 1, KA 3, Point 2: Incorporate healthy watershed protection into the RFPs and scoring tools used to award federal and state water quality grants.</p>	<p>Grants for Bay restoration work are already very competitive and limited without making it more difficult.</p>
<p>Land Use Methods & Metrics Development</p>	<p>MA 2, KA 3, Point 2: Work with Healthy Watersheds GIT... to link the results of land use methods and metrics analyses and results to determine how best to assist communities in reducing the rate of conversion.</p>	<p>Local decisions, including those related to land use, have a significant role in the Bay restoration efforts. Any future action regarding land use should maintain local control over land use decisions, where intimate knowledge of local landscapes and communities is crucial to appropriate decisions.</p>

As more details are fleshed out on the specific implementation processes and anticipated requirements resulting from the Key Actions and Performance Targets, we may identify concerns at that time as impacts to counties become clearer.

Should you have any questions regarding our concerns, please feel free to call me at 410-386-2949 or email at tdevilbiss@ccg.carr.org, or you may call Brenda Dinne, Special Projects Coordinator, at 410-386-2140 or email her at bdinne@ccg.carr.org.



Tom Devilbiss, Director

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