



HARRY R. HUGHES CENTER FOR
AGRO-ECOLOGY, INC.

Supporting Viable Farms and Forests

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FROM: THE HONORABLE HARRY R. HUGHES, PRESIDENT
HARRY R. HUGHES CENTER FOR AGRO-ECOLOGY, INC. 

RE: FINDINGS AND NEEDS RESULTING FROM 24 INTERVIEWS OF THE WATERSHED
IMPLEMENTATION PLANNING (WIP) TEAMS YIELDING AN OVERALL ASSESSMENT OF
CAPACITY TO IMPLEMENT THE PLANS

BACKGROUND:

The Town Creek Foundation requested the Hughes Center for Agro-Ecology to assess the capacity of the counties and the City of Baltimore to carry out their watershed implementation plans, particularly during the current Phase II process. The Center was asked to perform the assessment because of its strong working relationship that it had established with local governments, non-governmental organizations and special interests (agriculture, environmental groups, development sector) over the previous year. The request was made in August 2012 and the Center proceeded to conduct the assessment during the months of September and October, interviewing the WIP teams (and individuals) involved in the process across 24 jurisdictions.

The WIP team assessment conducted by the Hughes Center for Agro-Ecology will be incorporated into an independent capacity assessment being conducted by the H. John Heinz III Center for Science, Economics and the Environment to examine the capacity of local governments and the Non-Governmental Organizational community to move forward on the WIP. The work of the Heinz Center is also being funded by the Town Creek Foundation.

The Town Creek Foundation funding received by the Center for its outreach and education meetings and technical sessions as part of the WIP process has made a difference. For example, in the initial stages, State agencies responsible for portions of plan development were able to organize in a more effective way to support the overall process. Local governments were also able to strengthen their ties with those State agencies through the Center organized regional meetings and technical information sessions enabling the local plans to be submitted on time to the State.



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ISSUES:

There were several issues that arose among the jurisdictions that are essential to mention in this memo. The remaining issues and needs are attached to the cover memo. The most important issues are as follows:

1. Clarification of the "consequences" that could come into effect if the TMDL reductions are not attained is important. For example, who imposes the consequences and who enforces them? What form will they take? Is there a duration that would apply to the consequences or can consequences be forgiven? And how do they affect MS4 counties? The WIP Teams have worked very hard to develop plans that will meet the TMDL reductions, however, these plans have little traction because the political side (commissioners and councils) will not pay heed until they know what will happen if they choose not to approve and implement the plans. Knowing the specific consequences that could apply would help the teams further impress the need to move forward with the plans.
2. State leadership in support of the watershed implementation plans and their implementation appears to be lacking. One jurisdiction noted that "the silence is deafening." Local governments submitted their data and process for implementing their plans to the State when due. State Liaisons were helping with that process so that the deadlines could be met. Once met however, local governments have not had much feedback from the State and in many cases local governments have been waiting months for answers to key questions that they have asked the State agencies.

Many times, teams noted that if the Governor was to become more visibly involved with the overall process, particularly with the local government officials, that would help them better set the stage for moving their plans forward. For the moment however, leadership appears to be lacking.

3. There is concern about receiving sufficient technical support from the State, particularly with timely and professional reviews by MDE on project submittals from the local jurisdictions as part of their WIPs. Projects require great lead time before they can be implemented on the ground. A key component is the professional and timely review from the permit agencies. Local jurisdictions predict that MDE and other permitting agencies will be so deluged with projects that they will not be able to review them in a timely fashion thereby contributing to local jurisdictions missing TMDL deadlines for the implementation of their projects.
4. There is also concern that Federal permit agencies and State permit agencies are not en cinque with what is permissible with respect to a watershed restoration project and may not be as coordinated as they need to be with their respective reviews. The Governor should make sure that in Maryland, there is an agreed upon protocol for projects and there is an expedited review process to keep the projects on track.

Attached are the results from the interviews that also touch on what is needed by each jurisdiction. We hope that this information will be used to better inform the WIP process as it continues to move forward and will help the Cabinet focus their limited resources in the identified areas requiring attention.