



March 7, 2024

The Honorable Daniel Chao
Chairperson, Local Government Advisory Committee
3265 S Street NW
Washington, D.C. 20007

Re: Management Board Response to the Local Government Advisory Committee Recommendations

Dear Chairperson Chao:

On behalf of the Chesapeake Bay Program's Executive Council and as Chair of the Management Board, I want to thank you and the Local Government Advisory Committee (LGAC) for your recommendations (dated September 28, 2023) to the Executive Council at its October 19, 2023, annual meeting. These recommendations reflect the critical role of LGAC in supporting the Chesapeake Bay Program partnership in advancing its goals and outcomes toward greater Chesapeake Bay watershed restoration. We very much appreciate the opportunity to respond to these recommendations and stand ready to assist LGAC in fulfilling the goals and actions under their Strategic Plan.

The Management Board acknowledges that the recent scientific reports and information that have become available to the Chesapeake Bay Program partnership have the potential to greatly impact our restoration focus, targeting, and priorities. This scientific information reflects a deep understanding of dynamic and complex processes that form the underpinning of our estuary and larger watershed and is rich in innovative thinking to address complex environmental challenges. We appreciate the work of the Scientific and Technical Advisory Committee (STAC) in collaboratively producing its pivotal reports, such as the Comprehensive Evaluation of System Response (CESR) Report and Rising Water Temperatures Workshop Report. We also support the efforts of the Beyond 2025 Steering Committee to create a critical path to guide the partnership, including the 2014 *Chesapeake Bay Watershed Agreement*, in the years ahead.

Please find as follows the Management Board's responses to each of LGAC's recommendations, as well as an enclosure which reflects activities and dialogues to date on these important issues:

Recommendation 1: LGAC recognizes program changes, innovation, and experimentation are needed based upon the reports cited above and urges jurisdictions to create regulatory sandbox opportunities for testing that is more straightforward and inclusive than established regulatory channels. Local governments are excellent partners for sandboxing.

Response: The Management Board recognizes the significant work and contributions reflected in the CESR report and believes that exploring the creation of sandboxing opportunities is certainly worthwhile. To that end, the Management Board proposes that the summer 2024 LGAC quarterly meeting be focused on this very issue and that LGAC invite the jurisdictional and the U.S. Environmental Protection Agency Management Board members to participate. This meeting can provide the opportunity to have further discussions with LGAC to better understand what regulatory sandbox examples exist that could perhaps serve as a model for potential replication in the Bay watershed jurisdictions.

Recommendation 2: LGAC is a long-term advocate of the Circuit Rider concept of facilitating implementation through the engagement of local governments and stakeholders. Chesapeake watershed jurisdictions created their versions of circuit riders and LGAC requests that the Chesapeake Executive Council expand support for a number of current programs that meet the goals of Circuit Rider efforts. Local governments and LGAC encourage expanding the proven efforts [[as defined in the September 28, 2023, recommendations to the Executive Council](#)].

Response: Each of these local assistance programs plays an integral role in facilitating implementation of restoration activities, resulting in a demonstrable reduction of pollutants entering local waterways and the Chesapeake Bay. Circuit Riders, long supported by the Chesapeake Bay Program partnership, have served as an essential conduit of information and coordination between local governments and on-the-ground efforts. The Management Board commits to collaborating with the Chesapeake Bay Program partnership's Local Leadership Workgroup, LGAC, Federal Agencies, and the seven Bay watershed jurisdictions to identify and potentially expand upon local government assistance in Fiscal Year 2024. This collaboration can include Management Board members participating at an upcoming LGAC quarterly meeting to discuss local assistance needs specific to each jurisdiction. In addition, and subject to the availability of federal funding, the EPA plans to continue local government assistance funding through the jurisdictions' Most Effective Basin Funding, Chesapeake Bay Regulatory Program and Chesapeake Bay Implementation grants, and the Local Government Implementation Funding in Fiscal Year 2024, as well as to explore the potential for increasing funding for capacity building and technical assistance for local government assistance programs through these grants. Finally, the EPA commits to working with the Federal Office Directors and specifically with Maryland, Pennsylvania, and Virginia to determine if there are additional resources that could supplement the work and staffing for those local assistance programs.

Thank you again for your commitment to both the partnership and restoring the Chesapeake Bay and its local waterways. The Management Board looks forward to working with you and LGAC on implementing these recommendations.

Sincerely,



Martha Shimkin

Director

Chesapeake Bay Program Office

Enclosure: Documentation of Commitments, Actions, and Activities to Address the 2023 LGAC Recommendations to the Executive Council

LGAC Recommendation(s)	Description of Commitments/Activities/Actions Taken or Planned to Address Recommendation(s)	Supporting Documentation (e.g., weblinks, dates, etc.)
1	The Department of Defense Chesapeake Bay Program is working with partners to promote regulatory sandboxing to advance beneficial use of dredge material and thin layer placement wetland applications for climate resilience.	N/A
1	The Pennsylvania Department of Environmental Protection (PA DEP) submitted an FY24 STAC Workshop proposal entitled, “How Thinking Small Nets Big Benefits for the Chesapeake Bay.” The goal for this workshop is to focus on “sandboxing” case studies among jurisdictions in the Chesapeake Bay watershed in response to the CESR report, and to inform Beyond 2025 recommendations to the Chesapeake Executive Council.	Available upon request
1	West Virginia is not well positioned for sandboxing in relation to regulatory controls because regulatory authority exists mostly with respect to wastewater. That sector is overperforming with current progress loads well below established wasteload allocations.	N/A
2	PA DEP continues to provide state funding to county lead entities for 18 Clean Water Coordinators who assist 34 counties –Tier 1 and 2 counties each have their own coordinator; Tier 3-4 counties share amongst multiple counties – for project implementation. The coordinators can be employed directly by the conservation district or planning commission, contracted out with private sector consultants and/or non-profit organizations, or a mix of all options.	https://www.dep.pa.gov/Business/Water/Watershed-Restoration/Chesapeake-Bay-Watershed-Restoration/WIP3/GetInvolved/Pages/Countywide-Action-Plans.aspx

2	<p>On October 11, 2023, PA DEP's Bureau of Watershed Restoration and Nonpoint Source Management hosted the first Clean Water Gathering of State Program Action Leaders and Countywide Action Planning (CAP) leaders who have been working on Phase 3 WIP and CAP efforts over the last five years. PA DEP's Chesapeake Bay Watershed Restoration Division is using the recommendations from this meeting to build collaborative county/state partner Progress Teams that are focusing on "Strategies for Success" in 2024 that address challenges and build on successes from Phase 3 WIP and CAP efforts. The three key challenge areas identified are: (1) Technical and Administrative Assistance; (2) Staff Building/Staff Retention; and (3) Funding/Multi-grant Coordination.</p>	PADEP-Clean-Water-Gathering-Outcomes-2pager-11082023 (state.pa.us)
2	<p>West Virginia is in the process of establishing a "circuit rider" position to improve effectiveness in the five highland counties served by the Region 8 Planning and Development Council. An existing position exists for the panhandle counties served by Region 9. The new position will afford circuit rider coverage across West Virginia's Potomac Basin drainage area.</p>	