



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

Supporting Viable Farms and Forests

November 15, 2012

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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.

Watershed Implementation Plan (WIP) Process Issues and Needs Identified by 24 Implementation Team Members

Issues:

TRUST

- **Clarity is needed on the consequences issue** – 12 counties identified this issue. Baltimore Co., Calvert, Carroll, Cecil, Charles, Dorchester, Kent, Montgomery, Queen Anne's, St. Mary's, Wicomico & Worcester. Concerns voiced by the county representatives included "what are the consequences specifically", "who imposes the consequences and who enforces them", "what is the time frame and duration", "can imposed consequences be forgiven" and "what about the non MS4 counties".
- **Some state entities and agencies did not participate with the county WIP team process.** Three examples are SHA, UMES and Eastern Correctional Institute. Local water quality and tracking progress is the overriding concern noted by 4 counties.

TECHNICAL

- **Technical support provided by MDE.** While MDE has been responsive, much more assistance is required on a more timely basis by the WIP teams. Several counties are still waiting for questions to be answered. Another overriding concern is that MDE may not have the staffing to provide the support required. 20 counties made this point known and they are Allegany, Anne Arundel, Baltimore County, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Prince George's, Queen Anne's, Somerset, St. Mary's, Talbot, Washington and Worcester.
- **BMP's (revisit, or update efficiencies as well as adding new BMP's).** 17 jurisdictions expressed this issue and they are Allegany, Anne Arundel, Baltimore City, Baltimore County, Calvert, Caroline, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, Somerset, St. Mary's, Washington and Worcester.
- **MAST:** Several issues surfaced including the need to revise or correct land use numbers, the ability to use MAST (the need for additional training) and the need to streamline use and improve the capability of the instrument and finally the capability to more readily compare BMP efficiencies. 14 counties expressed concern and they are Allegany, Calvert, Charles, Frederick, Garrett, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Somerset, St. Mary's, Washington and Worcester.
- **The Bay Model** (understanding the science behind it, addressing continuing problems where the local jurisdiction has better GIS information). The 8 counties that identified this issue are Anne Arundel, Allegany, Baltimore Co., Calvert, Frederick, Harford, Prince George's, and Washington.
- **Technical capability and availability of private sector talent** to design the projects and build them. The 8 jurisdictions expressing this concern are Anne Arundel, Baltimore City, Baltimore Co, Cecil, Frederick, Montgomery, St. Mary's and Washington.
- **Lack of a unified message** from within MDE regarding competing TMDL and MS4 requirements and expectations. 3 counties noted this problem..
- **Edge of stream numbers for septics vs. septics that are back from the stream.** The 2 counties that have this issue are Calvert and St. Mary's.

POLITICAL

- **State level leadership in support of the WIP and implementation is lacking,** "...the silence is deafening." This sentiment was expressed in varying degrees by 10 counties.

FINANCIAL

- **Staffing capacity at state agencies may not be sufficient to provide needed support to do what's been promised, implied or agreed to:**
 1. DNR Forestry for tree planting: 1 county: Allegany
 2. MDE Bureau of Mines for SEC practices: 2 counties: Allegany and Garrett
 3. MDE for MAST training. 5 counties: Allegany, Frederick, Somerset, Washington, Worcester
 4. Create a uniform and consistent tracking and monitoring system: 11 counties: Calvert, Caroline, Carroll, Cecil, Kent, Queen Anne's, Somerset, Talbot, Washington, Wicomico, Worcester
- **Distance from the Bay, and competing for grant funds** – 5 counties: Allegany, Carroll, Frederick, Garrett, Washington
- **The Cost of Monitoring** – 5 counties. Allegany, Caroline, Frederick, Somerset, Washington (note: likely more counties, there's still a question of who will develop this).

Needs:

TECHNICAL

- **Periodic regional meetings to share successes and to learn the latest from the state agencies and each other.** 18 jurisdictions including Allegany, Baltimore City, Baltimore County, Calvert, Carroll, Cecil, Charles, Dorchester, Garrett, Kent, Montgomery, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico and Worcester requested the meetings.
- **An easy to use, on line resource of all BMP's; their applicability, the level of effort associated, the cost and the reduction .** 13 jurisdictions including Allegany, Baltimore City, Caroline, Cecil, Charles, Frederick, Garrett, Harford, Howard, Kent, Queen Anne's, Prince George's and Worcester requested this resource.
- **A top down, on line, transparent statewide tracking system of BMP implementation for all to see** (editors' note: perhaps a BayStat like tool that can transcend or survive political leadership turnover). 11 counties including Calvert, Caroline, Carroll, Cecil, Charles, Kent, Queen Anne's, Somerset, Talbot, Washington, and Worcester were interested.
- **Circuit Rider assistance:**
 - **Grants, grants writer** – 10 counties including Allegany, Calvert, Caroline (assistance also needed at the municipal level), Carroll, Cecil, Somerset, St. Mary's, Talbot, Washington and Worcester cited this need.
 - **Implementation (and design) work for BMP projects.** 4 counties including Caroline, Frederick, St. Mary's and Washington cited this need.
- **Agriculture has many land use categories in the Bay Model, perhaps as many as 22. Spend more time developing similar categories for urban and commercial land uses,** for example, Prince George's County has High, Medium and Low density residential, and heavy or light commercial - 1 county: Prince George's
- **Accounting for small landowner BMP practices that are either non agricultural or not funded by Agricultural cost share.** The 6 counties requesting this assistance are Caroline, Dorchester, Howard, St. Mary's, Talbot and Washington.

POLITICAL

- **The State needs to explain how PlanMaryland, the Growth Offset Policy and S 236 figure into the county WIP plans.** If conflicting policies, which one is the priority? – The 10 counties citing this concern are Allegany, Carroll, Cecil, Frederick, Kent, Queen Anne's Somerset, Talbot, Washington and Worcester.
- **State leadership needs to meet with the elected officials in all the counties to communicate WIP implementation expectations.** This will empower staff to get the job done. The 9 counties requesting this assistance are Calvert, Carroll, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's and Worcester.
- **New, well thought out environmental policy and regulations to prevent further degradation** – 3 counties: Frederick, Harford, Howard
- **State needs to require by law, the establishing of a stormwater fee statewide** – 1 county: Calvert

FINANCIAL

- **Help with funding the WIP actions.** 20 jurisdictions including Allegany, Baltimore City, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Prince George's, Queen Anne's, Somerset, St. Mary's, Talbot, Washington, Wicomico and Worcester indicated that this need is a top priority.
- **Assistance with Public buy in at all levels, from education to press packages.** The 6 jurisdictions expressing this need are Baltimore City, Carroll, Cecil, Harford, Prince George's, Washington
- **Assistance with a stormwater utility** – 4 counties: Calvert, Frederick, Harford, Howard
- **Grant 'seed money' or upfront money** – 3 counties: Somerset, St. Mary's, Washington
- **Resurrect the Revolving Loan Fund** – 2 counties: Caroline, Washington