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Local Government Advisory Committee

to the Chesapeake Executive Council

August 30, 2024

The Honorable Joshua Kurtz
Maryland Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Secretary Kurtz,

On behalf of the Local Government Advisory Committee (LGAC) to the Chesapeake Bay Executive Council, thank you for your tireless commitment to protecting and restoring our shared water resources. We are particularly grateful for the time and attention that you have devoted to meeting the 2022 Executive Council charge *'to prepare recommendations that continue to address new advances in science and restoration, along with a focus on our partnership for going beyond 2025'*.

LGAC's mission is to share the views and insights of local elected officials with state and federal decision makers and enhance the flow of information among local governments. Our 24 gubernatorial appointed members represent counties, towns, cities, boroughs, and townships from across the watershed. At this pivotal moment in the Chesapeake Bay watershed restoration effort, LGAC convened a [Local Government Forum: Looking Beyond 2025](#) on July 11, 2024 that included more than 73 local officials and invited guests (see full details in the [Forum Report](#) and [Appendices](#)). LGAC members also hosted four roundtable discussions during the public feedback period that engaged more than 70 additional local government officials and staff from around the watershed. These robust discussions with a broad range of local government stakeholders informed LGAC's comments on the draft report.

We respectfully offer the following feedback on the draft Beyond 2025 Steering Committee report, titled *A Critical Path Forward for the Chesapeake Bay Program Partnership Beyond 2025* (the Report):

1. **LGAC supports Executive Council Recommendation #1** (pg. 3). Local governments need steady guidance from federal and state partners. By affirming their continued commitment to the [Chesapeake Bay Watershed Agreement](#) (the Agreement), Executive Council members can ensure local officials have clear and consistent direction around water resources management and offer peace of mind that the time and money they have already invested will not be wasted. Additionally, strategic amendments to the Agreement that have been thoroughly vetted with stakeholders, including local governments, have the potential to improve the local benefits that matter most to our constituents.



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2. LGAC supports a more robust role for the Advisory Committees that includes deeper engagement with state and federal decision makers (pgs. 13-14). Local governments are essential partners in watershed restoration and protection. Without the buy-in and support of local elected officials, the Chesapeake Bay Program Partnership (the Partnership) will not achieve its vision, as outlined in the Agreement. LGAC remains committed to its role as a strong voice for the more than 1800 local governments within the watershed and stands ready to forge deeper collaborative relationships with state and federal leaders, including, but not limited to, the Principals' Staff Committee. As the Partnership moves Beyond 2025, LGAC and our local government partners continue to need a dedicated seat at the table.

3. LGAC recommends using plain language in the Report. LGAC members understand and appreciate the scale and complexity of the Beyond 2025 draft Report. A vast amount of information was presented in the compilation of this draft. If the intention of the Report is to achieve a broader circulation than the Executive Council and the Principals' Staff Committee, LGAC would caution that the complicated language presented in the Report must be simplified and refined to effectively reach the appropriate audience. This could be accomplished through a full rewrite, a plain language executive summary, and/or short recaps under each section. As the Partnership moves into the implementation phase and embarks on broader stakeholder engagement, succinct and approachable language will be more important than ever.

4. LGAC recommends revising the definition of conservation (pg. 12). The current definition of conservation in the report, *'protection from development and other land use transitions,'* does not adequately balance other local government priorities and is out of line with industry standards. Local governments understand the value of conserving forests and farmland to maximize benefits for current and future generations. However, local officials must also consider other community priorities, like affordable housing, transportation systems and redevelopment. The Partnership should consider convening a group of informed conservation-minded professionals and relevant stakeholders to craft a targeted, easy to understand definition that prioritizes residents' needs. This revised definition for conservation should include 'smart growth' principles that balance development and land preservation.

5. LGAC asserts the importance of local land use authority. Local control of land use decisions is a central responsibility of county and municipal governments throughout the watershed, as codified in state code and constitutions. Local self-determination in land use decisions ensures that constituents have a meaningful voice in the future of their community. The draft report suggests *'improving alignment with regional, state and local plans and priorities'* (pg. 12). The report is silent on whether such alignment would be 'top-down' or 'bottom-up'. Given local governments' land use authority, it would be most appropriate for regional, state, and federal plans to support local priorities.

6. LGAC strongly supports the need for more local government technical assistance (pg. 13 - 14). We have long highlighted the challenge of technical capacity gaps within local governments, including in a [2018 Local Government Forum Report: Filling Gaps to Advance WIP Implementation](#) (2018 Forum Report) and in our [2023 Annual Recommendations to the Executive Council](#). Small, under-resourced local governments continue to have the greatest technical and administrative capacity needs, especially

around identifying, applying for and managing new federal funding. Any expansion of technical assistance to local governments should utilize an approach that prioritizes relationships with local governments through existing trusted networks (like municipal leagues, county associations, council of governments, planning commissions, etc). Whatever term is used for this approach, LGAC wants to emphasize that the key element is *‘a connected individual who possesses a wide range of knowledge and skills related to water resources planning and management, including some capacity related to technical assistance, finance, planning, project management, grant writing, etc. They facilitate implementation through the engagement of local governments and stakeholders and provide credible, consistent, convenient, and cost-effective technical assistance’* (see 2018 Forum Report). As the Partnership moves into the implementation phase, LGAC is eager to consult on the development of local government technical assistance programs and stands ready to support a rollout of these programs, with the goal of utilizing new social science best practices to scale-up our collective impact.

7. **LGAC strongly supports additional federal and state funding for implementation.** A core challenge is that the scale of federal and state investments is not sufficient to meet the goals and outcomes of the Agreement. LGAC is concerned that this gap could lead to new regulations or mandates for local governments without additional state or federal funding to cover those increased costs. Local governments are ready and willing to support watershed protection and restoration; we simply need the resources to be true partners in these efforts. Increased funding is absolutely fundamental to open the door to partnership with local governments and to scale-up implementation actions.

If adequately addressed, the above comments and recommendations will make the draft Report stronger and more impactful. As your Advisory Committee, we strongly recommend that the Partnership, including the Management Board, the Principals’ Staff Committee, and the Executive Council build on the progress of the Beyond 2025 Steering Committee and accept the revised Report.

Local government’s involvement, perseverance and initiative are paramount ingredients in restoring and maintaining a healthy Chesapeake Bay watershed. Understanding and respecting the unique jurisdictional resources and responsibilities in each state is one of the most challenging endeavors of the Bay Program. Because clean water is a core quality of life issue for our constituents, the actual steps to be taken in the future are contingent on efficient and understandable communication with and between local governments and their respective residents. LGAC looks forward to continuing to collaborate with state and federal leaders on strategies that support local governments and their work to protect and restore local waterways.

If you have any questions or require further clarification, please reach out to LGAC staff at lgac@allianceforthebay.org.

Sincerely,



Daniel Chao, LGAC Chairperson on behalf of the Local Government Advisory Committee



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