

*LGAC Members Present:* Philip Briddel (Emeritus), Sheila Finlayson, Penelope Gross, Leo Lutz, Brianne Nadeau, Philip Pannell, Kelly Porter, Ann Simonetti, John Thomas, James Wheeler, Robert Willey, Bruce Williams and LGAC Staff - Mary Gattis and Jennifer Starr

*Speakers/Guests Present:* Carin Bisland (CBPO), Nissa Dean (Alliance), Rachel Felver (EPA CBPO/Alliance), Joan Salvati (VA DEQ), Philip Stafford (MD DNR)

**Meeting presentations and materials:** <http://www.chesapeakebay.net/calendar/event/23476/>

### **Thursday, June 9, 2016**

#### **Call to Order, Introductions**

Chair Brianne Nadeau called the meeting to order at 7:20 p.m. The members and guests introduced themselves.

#### **Member Sharing and Updates**

*Maryland*-Bruce reported Maryland is still trying to fill the empty slots on LGAC.

*Virginia*-Penny drew attention to Chesapeake Awareness Week and media recognition efforts. Penny also issued a warm welcome to Emeritus LGAC member Phil Briddel.

*Pennsylvania*-Leo shared an effort he's involved in in Lancaster County related to MS4s. He also provided an update on the Pennsylvania re-boot of the Chesapeake Bay program which James said has an emphasis on agriculture. John said the stormwater fee should be a model for farms and not just urban communities.

*District of Columbia*-Brianne noted that DC has just awarded its first round of stormwater grants and discussed a new concept of "green zones". Philip extended an invitation to all LGAC members to a luncheon cruise fundraiser for the Anacostia River program.

### **Friday, June 10, 2016**

Jurisdiction meetings were convened over breakfast.

#### **Call to Order**

Brianne called the meeting to order at 8:30 a.m.

#### **Local Government Forum Debrief**

*Mary Gattis, Director of Local Government Programs, Alliance for the Chesapeake Bay*

Yesterday, June 9<sup>th</sup>, the Local Government Forum: Streamlining Integrated Infrastructure Projects was held. As background, the Alliance for the Chesapeake Bay received funding from the National Fish and Wildlife Foundation (NFWF) for this forum to address challenges facing local government. The Problem Statement read as follows:

*Historically, stormwater facilities (pipes, inlets, basins, etc.) have not been considered part of the municipal infrastructure system, e.g. roads, water lines, sewer, utilities (gas, electric), etc. However, as communities across the watershed face the challenge of complying with NPDES permits and protecting communities from the effects of climate change (increased storm frequency and intensity, sea level rise, etc.), significant capital investments in stormwater infrastructure will be required. By addressing*

*pollutant reduction requirements as part of other capital projects, e.g. green streets, park rehabilitation, etc. costs may be minimized. However, systems will need to be adapted to optimize the process.*

Through facilitated group discussion, participants identified issues that hinder or help advance local implementation of watershed protection and restoration initiatives. Findings and recommendations, developed during the Forum, will be documented in a report with next steps identified.

Mary thanked everyone for their support and participation and asked members their thoughts for local government priorities. Bruce liked the engagement of participants and the various viewpoints but stressed there is still a disconnect between state and federal versus local considerations. Penny stated it was hard at first to get engaged because the participants did not seem to understand local government and its role. But she was happy with West Virginia representation and the great variety of folks in the room. She added there are constraints around local government with public procurement being a big concern. Leo commented that in some states local municipalities are stronger than county government and this needs to be taken into account.

Mary asked for a strong recommendation on priorities. She recommended capital improvement programming (CIP) as a priority. Members asked if all communities do CIP or comprehensive plans and if so budgeting for stormwater improvements should be encouraged. It was noted that not all communities prepare formal CIPs and comprehensive plans vary in utility.

The committee discussed the need for a single point of contact to shepherd a project from start to finish as another key to successful implementation of green infrastructure projects. They also recognized the need to amend codes and building specs so that they align with the Bay program and the need to update codes to better address water quality impacts. Another suggestion was to create a checklist of funding availability and the understanding of the complexity of a project including a manual or menu of resources. The group questioned the utility of a checklist.

*Follow Up: Mary will circulate the draft issues and recommendations follow-up report when it's available.*

## **STAC Roadside Ditch Maintenance Report**

*Kathleen Bailey Boomer, PhD, Nature Conservancy and Scientific and Technical Advisory Committee*

Kathy presented the findings of an October 2014 STAC workshop focusing on improving roadside ditch management to meet TMDL goals. The goal of the workshop was to increase awareness of the impacts of ditches and best management practices to reduce impact, inventory the current status of ditch management throughout the watershed, and develop recommendations. Kathy said the Workshop identified 4 concerns: jurisdictional issues, stakeholder issue of private property, accurate local mapping and identifying the best design given each situation.

Mary informed members there is currently a 90 day review of this report and asked for LGAC comments. Members felt the connection of the road ditch network to private property must be addressed. Specifically, a means for accessing private property for the installation and maintenance of BMPs outside the right-of-way will be required in order to implement and maintain some of the recommended BMPs. There was a discussion about "Waters of the United States" and how this applies to Chesapeake Bay states and the uniformity of requirements. Mary clarified that the Clean Water Rule is being implemented within the Chesapeake Bay Watershed, according to remarks by Shawn Garvin at the September 2015 LGAC meeting. She agreed to provide members with a link to rulings being made under the Clean Water Rule so that they can see how the rule is being implemented. Mapping flow paths and inventorying the system of road ditches would be helpful. However members added the cost of mapping will be a limiting factor for local governments. Also, management of road ditch networks varies among jurisdictions. For example, in Virginia roadways and roadside ditches in nearly all **counties** are maintained by the state DOT, not the locality. Independent cities and towns do their own maintenance, but counties do not. Local governments need guidance about best place for specific practices. Information about immediate changes that can be instituted, e.g. recommended aggregates, should be communicated to local government as soon as possible.

*Follow Up: Send link to log of determinations made under the Clean Water Rule Mary to prepare LGAC comments regarding the report and deliver to Nick DiPasquale for inclusion in the MB report to STAC.*

## **Chesapeake Bay Program Updates**

*Carin Bisland, Associate Director, EPA Chesapeake Bay Program Office (CBPO)*

Carin provided an update of CBPO activities. In addition to summarizing three handouts on funding allocations, local engagement programs and a schedule of the midpoint assessment, Carin updated members on increased opportunities for the Executive Committee to talk about key policy issues this fall and encouraged members to contact their Governors to hear LGAC concerns.

When Carin talked about Chesapeake Bay implementation grants, the committee requested that LGAC have the opportunity to review the Grant Guidance for effectiveness in reaching local governments. Carin will send the current guidance for LGAC's review and comment.

Carin also updated the members on the Chesapeake Bay Accountability and Recovery Act that includes a section asking all federal agencies to provide a report on how they are using their funding for Bay restoration. This report is expected this September and will be a good opportunity to see how funds are being spent.

Joan Salvati, co-chair of the Local Area Targets Task Force, says the task force is charged with asking if Phase 6 model reduction numbers should be allocated at the local level, what is the scale and how should that local target be expressed i.e. as a numerical load reduction target (considered old school thinking) or as a percentage of BMP reduction. There have been two conference calls with EPA staff asking what information EPA needs from locals to know how the model is doing. The task force is considering developing a Strawman rule.

Rachel Felver, CBP Communications Director, reported on the CBP Communications program findings of its strategic communications plan survey, focus group sessions and one-on-one interviews. There were 62 respondents from the 157 participants. A final report and recommendations is expected end of June and a draft strategic plan by mid-July 2016.

*Follow-up:*

- *Mary to review EPA's grant guidance for opportunities to increase funding reaching local governments*
  - *Add Local Area Targets to the September agenda for a deeper discussion*

## **Business Meeting**

March 2016 meeting minutes were approved as amended following a motion by Ann Simonetti and seconded by Bruce Williams. Penny abstained.

Penny, with Bruce's input, provided a summary of the Chesapeake Bay Environmental Finance Symposium held April 25-26 in College Park, MD. Overall she said there was well-rounded expertise and some traction on financing opportunities. Both commented the Symposium at times seemed not organized and a bit unprofessional but opportunities by banks for loans had some good possibilities. Brianne suggested inviting someone from a private financing institute to come talk at a future meeting to learn more.

## **Coordinator's Report (Mary Gattis)**

Mary updated members on recent staff activity, including:

- In response to LGAC's presentation of issues related to enhancing communication with local government at the May 26 PSC meeting, a June 22 meeting is being planned. The meeting will bring representatives from a variety of organizations together to discuss coordinating communication efforts.

LGAC vice-chairs have been invited to participate or to designate someone from the delegation if unavailable to attend themselves.

- The EC report will be drafted and circulated before the end of summer.
- Mary arranged for Richard Baugh to participate in a Habitat Goal Implementation Team meeting. He shared his perspective on the value of engaging local government on these issues. The GIT appreciated the opportunity to hear directly from an LGAC member.

### **Jurisdiction Reports**

Pennsylvania Report-There is a proposed piece of legislation creating a water use tax in PA. While it is not clear if the bill will become law, it is the first time something like this is being considered.

District of Columbia Report-Daniel Chao is a new LGAC member and it is hoped that Diane Davis will continue as a DC alternate.

Virginia Report-The Chesapeake Bay Awareness Week media campaign was a success.

Maryland did not have a report to present.

### **Communications Committee Report (Chair, Sheila Finlayson)**

No report. Sheila asked if any members are presenting at conferences. Mary reported that LGAC's PA delegation hosted a session on stormwater for elected officials at the PA State Association of Township Supervisors conference in April. The same program will likely be offered at the PA Municipal League conference in October. She has initiated discussions with VACo but has gotten no commitment. She stated that she needs members to initiate conversations with their State Associations of Municipalities and Counties about conducting conference sessions. Sheila agreed to follow up with MML about hosting a session at an upcoming conference.

### **New Business/Future Agenda Items**

- Local area targets - September
- Water quality trading – September
- Private Financing Strategies

### **Upcoming Events/Meetings:**

- June 22, 2016 Local Engagement Initiatives Meeting, Annapolis, MD
- September 27, 2016 Executive Council Meeting, Virginia
- September 29-30, 2016 LGAC Quarterly Meeting, Shepherdstown, WV
- September 30-31, 2016 Chesapeake Watershed Forum

The meeting was adjourned at 11:45.