

STAFF REPORT FOR THE COG BOARD

Anacostia Restoration Governance: Forging a Renewed Partnership

June 2006

Mayor Anthony Williams attended the February COG Board meeting and endorsed the need for a new governance structure to oversee the restoration of the Anacostia River and its tributaries. He requested that the COG Board refer a proposal that had been prepared by an Anacostia Transition Team in October 2005 to COG's Chesapeake Bay and Water Resources Policy Committee (CBPC) for a recommendation to be presented to the COG Board for action.

The CBPC voted to support the governance proposal and recommend that the COG Board adopt a resolution to establish a new governance structure. The following is the COG staff report that reflects the action of the CBPC. Attached is a draft resolution for consideration by the COG Board at its June 14 Board meeting.

1. The Anacostia River and its tributaries are closely linked to the quality of life in the neighboring communities, COG region and Chesapeake Bay watershed.

The Anacostia watershed comprises 176 square miles in the District of Columbia and Montgomery and Prince George's Counties in Maryland. It is home to over 800,000 people, approximately 25% of the population of the COG region and about 6% of the population of entire Chesapeake Bay watershed. From fishing, to hiking and biking along the extensive trail system, to canoeing in secluded areas, to rowing, sailing and power boating in the tidal reaches, the Anacostia offers a multitude of recreational, historical and cultural opportunities. While heavily urbanized, the Anacostia still contains significant natural resources, including, but not limited to: a self-sustaining trout stream, herring and shad runs, remnant tidal wetlands, heron rookeries, bald eagle nest sites and more. Unfortunately, much of the watershed is badly impaired because of pollution and habitat destruction from development and centuries of abuse. The challenges of restoring the Anacostia, though being carried out on a much smaller scale, mirror those of the larger Bay effort.

For many years, local governments have recognized the importance of local stream quality as it relates to the quality of life and health in the Potomac River and Chesapeake Bay watersheds. Montgomery County devotes considerable resources to stream restoration because, "[b]etter streams and rivers means an improved quality of life for those who live, work and play in the community." Prince George's County supports an active "Stream Teams" program to enable its citizens "help to protect and restore our waterways... "The District of Columbia's Anacostia Waterfront Initiative observes that, "[t]he promise of a great river runs through the District, but its ecology and natural beauty must be restored to bring people back to its shores." The Anacostia watershed was deemed sufficiently important by the multistate Chesapeake Bay Program to be listed as one of three "Priority Urban Watersheds."

2. Embodied in a series of agreements, the political leadership in the Anacostia watershed has crafted an exemplary vision for a restored Anacostia.

Formal agreements signed by the state of Maryland, the District of Columbia, and Montgomery and Prince George's Counties, Maryland, date back to 1987. In 1991, they adopted "A Six Point Action Plan to Restore the Anacostia River," noting that "the current annual workplan has committed over \$12 million to implement more than 50 projects during the next year." A decade later, on December 3, 2001, these signatories reaffirmed the original six goals and also adopted eight underlying principles as a foundation for the restoration vision.

The eight principles are quoted verbatim:

- ✓ *The Anacostia River and all of its tributaries are community assets to be restored, protected and preserved for the common good.*
- ✓ *The Anacostia ecosystem is an integral part of the larger Potomac River and Chesapeake Bay ecosystems and should be managed in concert with the ecosystem goals outlined in the Bay agreement.*
- ✓ *All citizens are entitled to ready access to waters whose condition supports high quality recreation.*
- ✓ *All waters of the watershed shall be managed to provide for the designated maximum safe recreational use and shall be protected against unsafe and repellent levels of pathogens, toxics, sediment, trash, debris and odors.*
- ✓ *The Anacostia watershed shall be managed in a scientific and environmentally sensitive manner to protect the public from potential flood hazards.*
- ✓ *All waters of the watershed shall be safe and attractive for fishing. They shall be protected against unsafe levels of toxics. Water quality and habitat will be maintained to support a diverse population of native fishes and their supporting food webs.*
- ✓ *All waters of the watershed shall be attractive for riparian recreation – walking, cycling, viewing wildlife and quiet contemplation. They, along with their riparian areas, shall be maintained so that they are an appealing destination for recreation and home for a diverse community of native plants and animals.*
- ✓ *All waters of the watershed shall be suitable to encourage education and environmental stewardship.*

Also in that agreement, the signatories adopted fifty indicators keyed to the Six Point Action Plan and set specific targets to be met by 2010. The indicators were designed to provide yardsticks to measure both the amount and rate of progress and also communicate that progress to the general public.

Nearly five years later, the vision provided in the 2001 agreement remains valid and vibrant, but progress has not kept pace.

3. For nearly twenty years, the agencies with restoration responsibility have worked diligently toward a restored watershed.

From stream restoration, to retrofitting low impact development sites, to reforestation, to wetland creation, to repairing leaking sewers, to reducing the quantity and impact of combined sewer overflows, governmental agencies, often in partnership with community groups, have implemented countless restoration projects. The collective accomplishments

have been substantial. More than \$200 million has been spent on restoration projects too numerous to mention. A sampling of these projects includes the Wheaton Branch retrofit project in the Sligo Creek subbasin and the Paint Branch park acquisition initiative in Montgomery County; a variety of low impact development (LID) projects in Prince George's County; and the Kenilworth Marsh and Kingman Lake wetland projects in the District of Columbia. Many of the larger restoration projects have been the result of an effective partnership between the Corps of Engineers and a local jurisdiction.

4. Fulfilling the leadership's vision expeditiously will require a renewed collective commitment: a Comprehensive Watershed Restoration Plan and a new institutional framework to oversee its adoption and implementation.

Despite the conscientious efforts of the numerous governmental agencies, it has become increasingly clear that the 2010 targets, adopted in 2001, are proving challenging to achieve. With increasing concern over meeting agreed-to targets governmental representatives and other stakeholders participated in a retreat in March 2005 followed by a series of facilitated meetings. After extensive discussion, analysis and consensus building, several key recommendations emerged.

Comprehensive Plan - A fundamental need for long-term restoration success is the **completion and adoption of a Comprehensive Watershed Restoration Plan**. Such a plan must be truly watershed wide and should include a financial plan and measurable implementation milestones. The planning effort now being undertaken by the Corps of Engineers will be a critical part of the overall plan. Other planning activities, such as the District of Columbia's Long-Term Control Plan for Combined Sewer Overflows are also critical elements of restoration of the watershed and can be incorporated by reference in the Comprehensive Plan.

Leadership Council: Role; Core Membership; Extended Membership - A new institutional framework is essential if the long-held vision of a restored Anacostia watershed is to be fulfilled. A new framework is essential to eliminate chronic problems of: 1) inadequate inter-jurisdictional and intra-jurisdictional coordination and implementation capabilities, 2) insufficient long-term funding support and 3) credibility problems with the watershed's citizenry. The Transition Team recommended establishment of a high-level Anacostia Watershed Restoration Leadership Council, supported by COG staff, with responsibility for the adoption of a Comprehensive Plan as well as oversight for its implementation. The Council is intended to fulfill several important needs: improve accountability; enhance the prospects for securing needed resources; and help ensure that those resources are optimally spent.

Core Membership - The core membership of the Leadership Council is made up of the four signatories to the 2001 agreement (the Mayor of the District of Columbia, the Governor of the State of Maryland and the County Executives of Montgomery and Prince George's Counties, Maryland) plus two federal partners, the Regional Administrator of EPA Region 3 and the District Engineer of the Baltimore District of the US Army Corps of Engineers. It is envisioned that the Leadership Council will not need to meet very

often (perhaps annually). However, the Transition Team believed that representation of the highest level was critical to reinforce the commitment to implementation of the Comprehensive Plan.

Expansion - The Transition Team and others consulted in the preparation of this recommendation stressed the need for additional representation beyond the entities represented in the Core Group. The **municipalities** in the Anacostia watershed, including Takoma Park in Montgomery County and numerous others, such as the Port Towns, Greenbelt and College Park in Prince George's County, have a stake in the restoration of the Anacostia. There are **other federal agencies** involved in restoration activities, such as the National Oceanographic and Atmospheric Administration, the National Park Service and the U.S. Geological Survey. There are also **nongovernmental organizations** with a community, environmental or economic development focus whose perspective and participation are critical. The establishing resolution indicates that the Leadership Council will decide whether and how to expand its membership and also the scope of the membership of the Steering Committee. Steering Committee responsibilities and participation are discussed further in the next section.

5. The Leadership Council will need support and resources to oversee planning and implementation.

As envisioned, the Leadership Council will provide overall authority and broad policy direction, including adoption of the Comprehensive Plan. While they will be fully briefed regarding the decisions they are called on to make, the Leadership Council will generally convene only once a year. Ongoing support to the Leadership Council and active oversight of the watershed restoration will be provided by a **Steering Committee** and appropriate **staffing**.

Steering Committee and Staffing - The Steering Committee will have a critical responsibility for recommending restoration policies, programs and resource levels. It is designed to ensure two-way communication between the Leadership Council and the agencies with planning and implementation responsibility. Its membership will be broader than that of the Leadership Council to provide a forum for coordination between agencies and other key stakeholders. The Steering Committee is also intended to provide an effective platform for municipalities with a stake in the watershed's restoration, agencies not on the Leadership Committee and other stakeholder organizations. The Steering Committee will also provide regular guidance to support staff.

The responsibilities of the support staff will include advocacy for the restoration program, identification of planning requirements, providing assurance that the Comprehensive Plan is complete, preparation of annual budgetary needs, assessment of legislative and regulatory requirements and close coordination with agency staff. One of the early tasks of the Leadership Council will be to adopt a formal staffing plan, including budgetary requirements.

Management Committee and Citizens Advisory Committee - It is also envisioned that there will be a **Management Committee**, generally equivalent to the existing Anacostia Watershed Restoration Committee (AWRC) and a **Citizens Advisory Committee**, generally equivalent to the existing Anacostia Watershed Citizens Advisory Committee (AWCAC).

Budgetary Impact - There is also the need for operating resources. The Leadership Council, Steering Committee and Management Committee can be brought into being without major budgetary impacts. Additional staffing will need additional financial support. It is envisioned that this staff will be housed at COG, although reporting to the Steering Committee. There will be some impact on COG staff who will be called on to provide logistical and administrative support to these newly created entities. The Transition Team anticipated that start up funds will be available from federal agency and nonprofit grants to cover perhaps the first two years of operation. Developing a longer term budget and funding formula will be an early priority of the Leadership Council.

6. The COG Board has the opportunity to put this framework into place.

The Transition Team recommended that this new structure be established by the Board of the Council of Governments. There is precedent for this with the Clean Air Partners and the Housing Partnership. Furthermore, COG has provided technical and logistical support to the existing Anacostia restoration framework since its inception in 1987. A resolution, to be considered by the COG Board on June 14, 2006, is attached.