

A legacy of regional cooperation, a commitment to a vibrant future

October 31, 2007

Jeffrey L. Lape, Director
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**Adjunct member*

Dear Mr. Lape:

With this letter, the Chesapeake Bay and Water Resources Policy Committee (CBPC) of the Metropolitan Washington Council of Governments (COG) wishes to go on record in opposition to any proposal for the reorganization of the Chesapeake Bay Program (CBP) that virtually eliminates a role for local governments. While the CBPC agrees that there is a need to restructure the Bay Program to better emphasize implementation, the proposal that was distributed for review on October 21 shows no role for local governments. This causes us serious concern since so much of the responsibility for implementation of Chesapeake Bay restoration projects falls on local governments. The CBP should be taking steps to increase, not diminish, participation by local governments.

COG has a long history of support for the restoration and protection of the Bay and has consistently stressed the importance of a significant role for local governments in both policy development and implementation. For example, in March 2000, as the C2K agreement was being finalized, the COG Board adopted a resolution "To Support *Chesapeake 2000: A Watershed Partnership With Changes To Expand Local Government Participation.*" COG and its member governments have tangibly demonstrated their support by numerous actions. The following examples are indicative of the type of role that local governments have played that further the restoration of the Bay and help design the best information to support policy decision-making.

- Hundreds of millions of dollars of investment in major upgrades to area wastewater plants to achieve state of the art nutrient removal levels.
- Additional millions of dollars of investment in stormwater management programs to reduce the effects of urban nonpoint source pollution.
- Numerous restoration activities related to the Anacostia River, one of the Bay Program's Priority Urban Watersheds.
- Active participation in numerous Bay Program technical committees and workgroups, providing a local perspective;
- Membership on the Local Government Advisory Committee including service as its Chair (COG and its members' LGAC involvement dates back to the committee's original creation in 1988);
- Assistance in the design and implementation of various workshops and seminars with and for EPA and the other Bay Program Partners;


- Active participation in the work of the Bay Program's Water Quality Technical Committee and various technical work groups to develop Bay-wide water quality criteria and load allocations;
- Membership on the Bay Program's Blue Ribbon Finance Panel;
- Significant financial and technical contributions to the upgrade to the Bay Program's Water Quality Model for the Potomac River; and
- Testimony at Congressional hearings on the Bay.

The reorganization proposal we reviewed is fundamentally flawed because it diminishes the role of local governments at a time when pressure is mounting to accelerate implementation of the tributary strategies. The proposal eliminates the Local Government Advisory Committee (LGAC) with no explanation. The only suggestion of any participation by local governments is the small box marked "Local Imp.," which is tenuously connected to the Policy Board via a dotted line through "State Implementation." Local governments are not mentioned in the "Proposed Functions" write-up.

It is noteworthy that EPA's Office of Inspector General issued its recent "Growth" report at a time when implementation has slowed so that there is no prospect of achieving the 2010 goals. Further, CBP data indicate that the urban sector is the only sector where loads have actually increased over the 1985 baseline. Much policy, technical and implementation work remains to be done at the local level precisely where the Bay Program Partners should be more actively engaging local governments. Land use planning, environmentally sensitive site design, retrofitting urban areas and implementation financing are all critical issues where local governments have made and can continue to make positive contributions. This is the kind of involvement that will be needed in order to reduce the nutrient and sediment loads from the urban sector.

Given the excellent discussion we had with you about local government participation at the CBPC meeting in September, we trust that you will understand our concern and agree that the absence of any mention of local governments in the proposed draft is a serious omission. The CBPC looks forward to discussions with the Bay Program Partners to address how to rectify this. We would appreciate an opportunity to meet with you and CBP management to discuss methods for ensuring that the critical role of local governments in the overall Bay restoration effort is enhanced as a result of reorganization.

Sincerely,



Martin Nohe, Chair, Chesapeake Bay and Water Resources Policy Committee,
Metropolitan Washington Council of Governments
Member, Prince William County Board of Supervisors

Cc: Diana Esher, Deputy Director, EPA Chesapeake Bay Program
Members, Chesapeake Bay and Water Resources Policy Committee