

**DRAFT**  
**Revised May 15, 2006**

**Draft Resolution Rxx-05**  
**June 14, 2006**

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS**  
**777 North Capitol Street, NE**  
**Washington, DC 20002-4239**

**RESOLUTION TO CHARTER THE ANACOSTIA WATERSHED RESTORATION  
COUNCIL**  
**For the Purpose of**  
**STRENGTHENING THE ANACOSTIA WATERSHED RESTORATION PARTNERSHIP**

**WHEREAS**, the Anacostia watershed covers 176 square miles in the District of Columbia, and Montgomery and Prince George's Counties, Maryland and flows through the heart of the nation's capital; and

**WHEREAS**, the Anacostia River and its tributaries have a direct impact on the quality of life in the neighboring communities and the COG region; and

**WHEREAS**, the condition of the Anacostia River is critical to the revitalization efforts planned for the Anacostia Waterfront portion of the District of Columbia; and

**WHEREAS**, for three hundred years, the Anacostia watershed has been extensively logged, farmed, mined and urbanized resulting in a major decline in water quality and habitat; and

**WHEREAS**, the Anacostia River and its tributaries have been identified and listed as impaired for nutrients, sediment, toxic contaminants, bacteria and trash by the District of Columbia and the State of Maryland; and

**WHEREAS**, the correction of the listed impairments is required under the Clean Water Act; and;

**WHEREAS**, restoration of water quality throughout the watershed must be addressed in a comprehensive and regional manner; and

**WHEREAS** beginning in 1984 Maryland and the District of Columbia officially recognized the need for restoration, leading in 1987 to the landmark "Anacostia Watershed Restoration Agreement" which both expanded the membership to include Montgomery and Prince George's Counties and resulted in the formation of the Anacostia Watershed Restoration Committee (AWRC); and

**WHEREAS** the AWRC has served as the focal point for the federal – state – local partnership devoted to the restoration of the Anacostia River and its tributaries; and

**WHEREAS** since the inception of the AWRC, the Metropolitan Washington Council of Governments (COG) has provided technical, administrative and logistical support; and

**WHEREAS** through the 1991 Anacostia Watershed Restoration Agreement the AWRC developed "A Six-Point Action Plan to Restore the Anacostia River" which set forth specific watershed restoration goals and implementation strategies through a unique cooperative local/state, federal and grass-roots partnership; and

**WHEREAS** since 1987 over \$200 million dollars have been spent restoring the Anacostia watershed; and

**WHEREAS** in 2001, the Mayor of the District of Columbia, the County Executives of Montgomery County and Prince George's County, Maryland and the Governor of Maryland adopted fifty indicators as measures of restoration progress and fifty specific targets to be met by 2010; and

**WHEREAS**, the District of Columbia's Anacostia Waterfront Framework Plan, adopted in 200\_, commits to a "Clean and Active [Anacostia] River" as its first of five themes toward a vibrant and rejuvenated Anacostia waterfront; and

**WHEREAS** in 2005, the members of the AWRC and other key stakeholders held a retreat and subsequent facilitated meetings at COG regarding restoration governance and, in October 2005, prepared key governance concepts designed to strengthen the restoration partnership and accelerate the pace of restoration; and

**WHEREAS** in December 2005, the AWRC endorsed the governance concepts including the creation of a high level Anacostia Restoration Leadership Council to be chartered by the COG Board with responsibility to adopt a Comprehensive Anacostia Watershed Restoration Plan and the position of Executive Director reporting to the Council; and

**WHEREAS** in February 2006, at the request of the Mayor of the District of Columbia, the COG Board requested the Chesapeake Bay Policy Committee (CBPC) to consider the proposed governance framework and make a formal recommendation in this regard to the COG Board; and

**WHEREAS** COG staff have worked with members of the CBPC and other stakeholders and have prepared a staff recommendation; and

**WHEREAS** at its meeting in May 2006, the CBPC voted to endorse the staff recommendations including creation of the Leadership Council and the position of Executive Director;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

1. An Anacostia Watershed Restoration Partnership (Partnership) is hereby chartered to provide a cooperative framework for the oversight of the ongoing restoration of the Anacostia River and its tributaries.
2. The Partnership shall be housed at COG.
3. The key elements of the Partnership are: (1) the Anacostia Watershed Restoration Leadership Council (Council); (2) the Anacostia Watershed Comprehensive Restoration Plan; (3) the Anacostia Watershed Steering Committee; and (4) the Anacostia Watershed Restoration Executive Director.

4. The Council is responsible for the adoption and periodic revisions to a Watershed-wide Comprehensive Restoration Plan, which quantifies the restoration goals, specifies an implementation timeline and provides explicit measurements of progress, with appropriate recognition and incorporation of related planning activities.
5. The core membership of the Leadership Council will consist of:
  - a. The Mayor of the District of Columbia;
  - b. The County Executive of Montgomery County, Maryland;
  - c. The County Executive of Prince George's County, Maryland;
  - d. The Governor of the State of Maryland;
  - e. The Regional Administrator of EPA Region 3; and
  - f. The District Engineer of the Baltimore District of the US Army Corps of Engineers.
6. The initial membership on the Steering Committee will consist of:
  - a. Individuals appointed by and with close ties to the core members of the Leadership Council;
  - b. One representatives each from the National Park Service and the National Oceanographic and Atmospheric Administration;
  - c. A representative of the municipalities located in the Anacostia watershed; and
  - d. The Chair of the Anacostia Watershed Citizens Advisory Committee.
7. To further the mission of the Partnership, it is envisioned that the Leadership Council may expand the membership of the Council and the Steering Committee as it deems warranted. This may include, but is not necessarily limited to, representation from other governmental agencies, municipalities and nongovernmental organizations.
8. Also in support of the mission of the Partnership, it is envisioned that the Leadership Council will create and modify staffing levels; create and modify technical, policy and advisory committees; and establish annual budgets.
9. COG staff is authorized to prepare correspondence to the Core Members of the Leadership Council informing them that the Anacostia governance framework has been established and requesting that they designate a member and alternate member to the Steering Committee.
10. COG staff is also authorized, in consultation with representatives of the core agencies, to recruit additional members of the Steering Committee as identified in paragraph 6b, c & d, above.

**COG STAFF REPORT**  
**For the**  
**CBPC ANACOSTIA GOVERNANCE COMMITTEE**

**Anacostia Restoration Governance: Forging a Renewed Partnership**

**May 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. An Anacostia Subcommittee of CBPC members is to report back to the CBPC at its May meeting with a recommendation for presentation to the COG Board in June.*

*The Transition Team's "Anacostia Watershed Restoration Governance Discussion Outline," previously distributed, is the starting point for the Task Force's work. The following is the COG staff analysis and recommendation for the Governance Committee. Also attached is a draft resolution for CBPC consideration for presentation to the COG Board for action at the 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 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 goals 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.

**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 a federal-state 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 ambitious goals, the 2010 targets, adopted in 2001 are proving challenging to meet. 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 is envisioned to 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 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** - 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, including the Port Towns, 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.

Options for involvement of these entities include expansion of the Leadership Council beyond the Core Group and participation in the Steering Committee (see below). The chartering resolution could: spell out the expanded membership explicitly; indicate that, while expansion is desirable, the details of such expansion are to be left to the Council; and/or indicate participation in the Steering Committee. The latter is 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 Council will generally meet 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 an **Executive Director**.

**Steering Committee and Executive Director** - 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 intended to provide an effective platform for municipalities, who have 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 the Executive Director.

The Executive Director will serve as staff advocate for the restoration program, be charged with identifying planning requirements, ensure that the Comprehensive Plan is complete, determine annual budgetary needs, assess legislative and regulatory requirements and work very closely with agency staff.

**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. The Executive Director, however, is a new position and will need financial support. It is envisioned that this position will be housed at COG. 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 funding formula and will have to 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 created 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 draft resolution, to be adopted by the COG Board on June 14, 2006, is attached.