DRAFT

Filling Gaps to Advance WIP Implementation

September 26, 2018

Local Government Forum Report

March 2019

Sponsored By:

Alliance for the Chesapeake Bay
Local Government Advisory Committee

Funding By:

National Fish & Wildlife Foundation

Prepared By:

Alliance for the Chesapeake Bay
Local Government Program

1. Forum Overview and Objectives

Background

Due to inadequate in-house resources (staff and/or funding), local governments throughout the Chesapeake Bay watershed require outside services (technical assistance[1]) to fully participate in implementing their jurisdiction's Chesapeake Bay Watershed Implementation Plan (WIP).

The Local Government Advisory Committee (LGAC) has raised the issue of staff capacity and technical assistance gaps with the Chesapeake Executive Council (EC) for more than ten years. At the August 7, 2018 meeting of the Chesapeake Executive Council, LGAC again raised the issue, calling for *an evaluation of the nature, sufficiency, and scope of technical assistance resources and programs available to local governments to be conducted for the purpose of establishing new, re-tooling existing, or expanding state and/or federal programs to achieve greater effectiveness in WIP implementation.*

Following up on the 2018 LGAC EC recommendation, the focus of the 2018 Local Government Forum was to provide the Chesapeake Bay Program leadership with more specific recommendations for addressing staff capacity and technical assistance gaps. The Forum was hosted by LGAC in conjunction with the Alliance for the Chesapeake Bay (Alliance). Funding for the Forum was provided by the National Fish & Wildlife Foundation (NFWF). Mary Gattis, former Director of Local Government Programs for the Alliance, was the lead facilitator.

The Forum was held on September 26, 2018 at the George Washington Hotel in Winchester, VA. The Forum planning team targeted certain sector representatives for attendance in order to achieve the necessary cross-section of experiences and points of view. A total of 53 individuals attended the 1-day workshop, including 46 participants representing local, state, and federal governments, as well as regional entities, funders, and technical assistance providers, as well as seven Alliance staff representatives. See Appendix A for a list of Forum participants.

Prior to the Forum, a Backgrounder was sent to attendees that included the initial problem statement, meeting goal, assumptions, and preliminary recommendations. This was done in order to maintain a clear focus for the Forum, as the topic of technical assistance has many facets, each of which could fill the entire agenda for a one-day event. See Appendix B for the Backgrounder with full pre-forum materials developed and shared with all participants.

The Forum and subsequent report's intent is to help the jurisdictions ("states") comply with the Environmental Protection Agency's (EPA) expectation that Phase III WIPs will include ***recommendations for filling gaps in capacity in programmatic, financial, technical assistance, or other capacity needed to advance WIP implementation.***

This report provides a summary of the Forum, including the research and planning leading up to the day's events, and the discussions and resulting recommendations that came from pre-, day-of-, and post-Forum.

[1] In the context of the forum, technical assistance was defined as a service provided to local government by an outside organization or agency, which may otherwise be performed by staff or secured through normal procurement processes.

Pre-Forum Planning

Extensive planning went into developing preliminary recommendations prior to the Forum, so that LGAC staff could utilize the day for productive discussion and feedback. LGAC staff enlisted a Forum Planning Team[2] and a number of Project Advisors to provide input on all planning materials addressed in the report. LGAC staff also held interviews with all jurisdictions[3] to share background and guiding materials, as well as get their input on their knowledge about local technical assistance needs. These interviews were invaluable to better understanding where each jurisdiction is in its Phase III WIP process and identification of local needs.

The Forum Planning Team identified three key factors affecting local government access to technical assistance:

1. Insufficient staff capacity;
2. Technical assistance provider capacity limitations; and
3. Lack of awareness about available services.

Key issue #3 was considered a tertiary issue, best addressed after the other two issues are resolved. Therefore LGAC staff delved into key factors #1 and #2, the purposes of developing preliminary recommendations.

Preliminary Recommendations

While it is recognized that almost every community could use more staff, this Forum focused exclusively on the needs of **low capacity communities**[4] to undertake watershed protection and restoration activities, including but not limited to managing stormwater.

Based on LGAC's experience, research, and interviews with experts, LGAC staff developed a set of guiding assumptions for each key factor to ensure that everyone was on the same page. In order to move forward in developing preliminary recommendations, these assumptions were needed. The preliminary assumptions are listed in Appendix B. Final assumptions were refined during the forum and shared in Section 2 of this report.

Key Factor #1: Insufficient Staff Capacity

LGAC staff developed preliminary recommendations around meeting staffing needs in low capacity communities, which looks different depending on the state and/or regional context, but overall has to do with developing a circuit rider program, enlisting quasi-governmental or government agency support, or hiring shared staff to fill capacity gaps.

Key Factor #2: Technical Assistance Provider Capacity Limitations

Technical assistance providers working in the Chesapeake Bay watershed include federal, state and local agencies, quasi-governmental organizations, University Extension Agents, NGOs, private firms and others. Common approaches to meeting local government needs for technical assistance include grant funded services as well as federal and state assistance.

---

[2] Identified in Appendix A

[3] With the exception of New York

[4] "Low capacity community" defined in the Backgrounder in Appendix B.

To address both the insufficient staff capacity and technical assistance provider capacity limitations, *LGAC preliminarily recommended the establishment of a Circuit Rider (CR) Network and potential Technical Assistance Collaborative.*

Developed and refined by the Forum Planning Team, it was determined that an effective technical assistance system must meet the following criteria: (1) credible; (2) consistent; (3) convenient; and (4) cost-effective/affordable.

At the outset, LGAC staff envisioned this as a two-pronged approach, involving the establishment of the Circuit Rider Network first, followed by the establishment of one or more Technical Assistance Collaboratives.

2. Forum Proceedings and Post-Forum Research

Forum Proceedings[5]

Problem Statement and Assumptions

The Forum began with reviewing and refining the problem statement and assumptions that were initially developed by LGAC staff with input from the Forum Planning Team and advisors. The problem statement and assumptions went through many iterations prior to the forum (see Appendix B). Below are the final problem statement and assumptions refined at the forum:

Problem Statement	Despite the vast array of technical assistance services being delivered in the Chesapeake Bay watershed, many local governments are unable to secure the services needed to plan, design, implement, monitor, and maintain watershed restoration projects and programs.[6]
Staff Assumptions	• Staffing needs may vary from one community to the next, even within the same region. • Staffing goals may vary from one community to the next, i.e. some communities may ultimately need/want to become self-sufficient while others may be best served by long-term assistance from an external provider (adjunct staff). • Needs are not always "technical." • Low capacity communities benefit from services that can be provided by both generalists and specialists. • Relationships matter. Building trust takes time. • Staff turnover requires continuing commitment to educating new staff on the basics. Sharing staff can be a cost effective strategy for filling staffing gaps.
Technical Assistance Assumptions	• Demand for technical assistance exceeds supply. • Most Technical Assistance Providers (TAPs) are limited by insufficient resources (staff/funding), geography, and/or the range of expertise/services

[5] See Appendix C for full agenda

[6] The word "maintain" was added to the final problem statement.

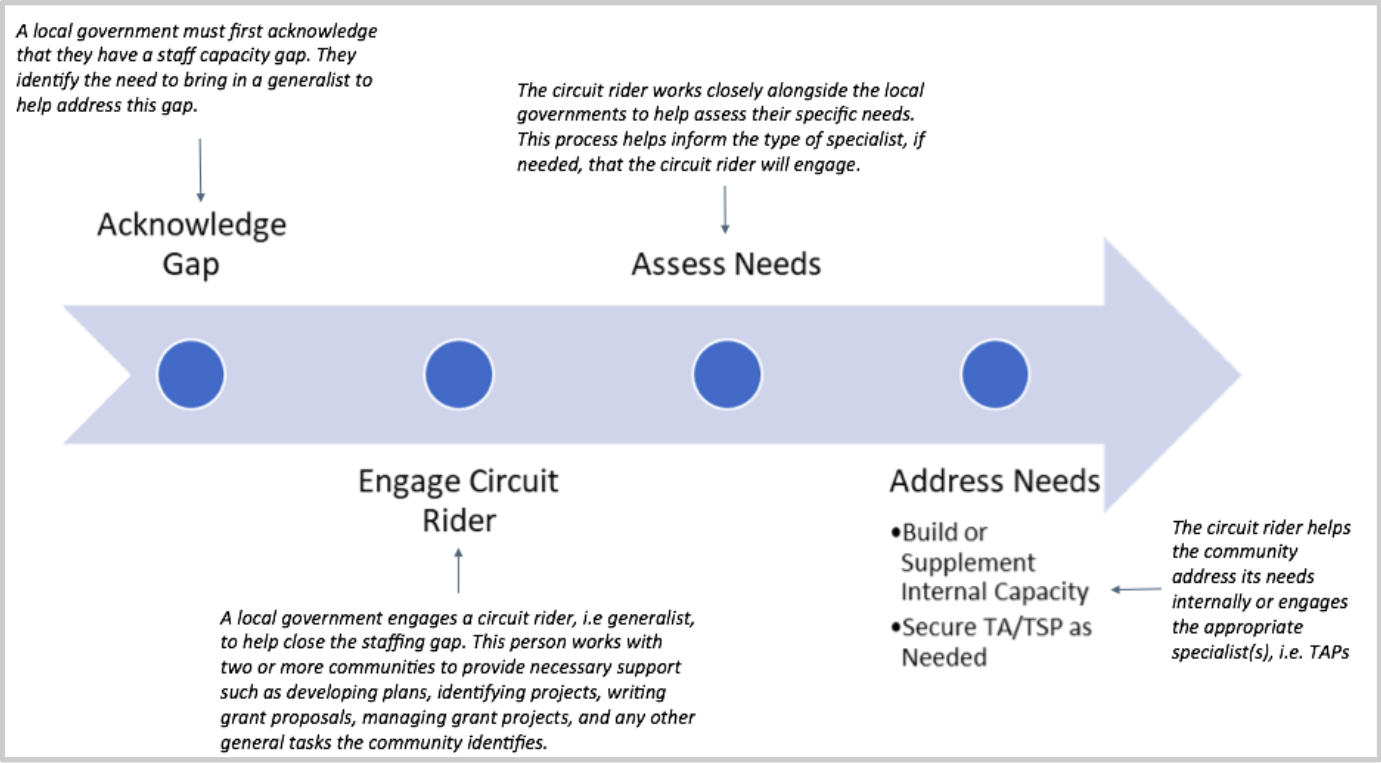
	within the organization. • The competitive nature of funding doesn't facilitate collaboration among TAPs. • Better collaboration among TAPs will improve delivery of services that meet local governments' needs. • The types of services needed include planning, engineering, financing, grant writing and reporting, legal, project management, etc. • Some TAPs are providing services outside their area of expertise. • Some TAPs have their own agenda and may not be responsive to local governments' actual needs.

Generalists versus Specialists

Forum attendees reached consensus around the need for generalists *and* specialists to support local governments in being able to fully address their Phase III WIPs. The criteria for technical assistance services was also shared with participants, and ultimately agreed upon. The full criteria for services includes:

1. *Credible* - TAPs should be able to demonstrate that they possess the expertise needed to meet the clients need. Having an established relationship with the client or a history of providing services to similar clients is preferable.
2. *Consistent* - Technical assistance services should be available on an ongoing basis, i.e. not dependent on short-term funding.
3. *Convenient* - Local governments should have a one-stop shop where they can go to locate services, and the process for securing services should be simple.
4. *Cost-effective / Affordable* - Services may be considered cost-effective if they result in an overall reduction in the cost to meet the desired ends.

Ultimately, there is a *progression* that the state and/or local governments must go through in order to efficiently and effectively meet local needs and address Phase III WIPs. See the diagram below:



Breakout Group Discussions

In the afternoon, Forum attendees broke into two groups[7] to hone in on the recommendations and garner more specific feedback while promoting dialogue amongst experts.

Breakout Group 1: Establish a Network of Circuit Riders

Earlier in the day, attendees reached consensus on for the need to establish a network of CRs across the Chesapeake Bay watershed to support local governments in meeting more *generalized* needs, this session highlighted the myriad of questions that remain in how to best develop, implement, and sustain such a network, or networks.

Implementation steps that were discussed during the breakout session included:

1) Each jurisdiction should identify gaps (utilize existing surveys and state input)
    a) Assess local government needs as developed and identified during the WIP III input progress (needs assessment)
    b) States, in conjunction with local government and other relevant stakeholders, to determine number of Circuit Riders needed.
2) Circuit riders then review the needs assessment and refine it as needed to create work plans.

Because of the state-level variance in what already exists, and what level of generalist support is needed, the recommendations to be provided will be specific to each jurisdiction. However, the

[7] Self selected by forum participants

questions that must be answered in order to establish a regional and/or state-wide circuit rider network apply across the Watershed.

In this breakout group, key questions were identified and then utilized post-forum in communications and research to establish state-specific recommendations where possible.

- What territory is reasonable to expect a single CR could cover?
- How much do you know about the needs of communities in your state?
- What skills/expertise should a CR have? Could you write a job description? Is there already a person(s) who performs CR duties and can be duplicated/expanded?
- Where should a CR be housed?
- How should the CR be funded? What should the role of the Network be?
- How should the Network be funded?

The need to develop a financing strategy to support CRs and characteristics of individual CRs was emphasized during this session. See Appendix D for an expanded financing discussion at the November 2018 LGAC quarterly meeting.

Breakout Group 2: Establish a Technical Assistance Collaborative

There was hesitation expressed by a number of participants in this breakout session around the idea that establishing a technical assistance *collaborative* is necessary to meet the needs of local governments. This was due in large part to the varying perspectives on what constitutes "technical assistance" and insufficient information about the types of services needed specifically by local governments.

As an alternative to establishing a collaborative, the Group recommended establishing a technical assistance *network*, where a repository of information about technical assistance services currently being offered would be housed. This repository would be used by CRs to secure specific services for their communities. CRs would be responsible for identifying the appropriate Technical Assistance Provider (TAP) and engaging them on behalf of, or in cooperation with, the local government.

Using this approach helps ensure that the community engaging the TAP is in fact ready for the services being requested but it doesn't meet all the criteria of a technical assistance system as agreed to by the Forum participants, i.e. Credible, Consistent, Convenient and Cost-effective/Affordable.

In this breakout group, a number of main ideas surfaced:

- A list of 8-10 Best Management Practices (BMPs) that are most practical for low capacity communities should be developed to reduce overwhelm.
- More understanding of low capacity communities' needs and challenges must be gained in order to inform who is included as a TAP.
- TAP quality control is needed (potential for certification program like the Chesapeake Bay Landscape Professional Certificate).
- A backbone group is needed to organize and convene TAPs.
- TAP evaluations needed:

- Past success?
  Gaps?
- Expansion opportunities?

End of Day Wrap up

After coming back together, the groups shared their notes from each session. While there was much consensus around the need to support local governments in meeting their regulatory obligations, both with *generalized* and *specialized* types of technical assistance, the precedent has been set to do things the way they've always been done. There was a sense that this is just the tip of the iceberg, and many questions still remain as to *how* a network of circuit riders and technical assistance providers will be developed, implemented, and sustained.

Post-Forum Research

Due to the vast scope technical assistance entails, and the variance across the Watershed as to what types of assistance communities need, additional communications and research was needed in order to refine the recommendations.

After the Forum, LGAC staff set out to research existing programs and ground-truth the preliminary recommendations, including reaching out to each jurisdiction to find out more information on how funds are currently being disseminated to local governments to implement WIP obligations, conducting stakeholder interviews with those who expressed interest at the Forum in providing insight on how their CR program may look, participating in state-level discussions (in particular with Maryland) where organizations came together to advance their state's technical needs, and gaining insight from LGAC members during LGAC's November 2018 Quarterly Meeting (see Appendix D for notes on the meeting session). The culmination of which has led to the final recommendations presented in the next section of this report.

3. Recommendations for Filling Local Staffing Gaps

To address both the insufficient staff capacity and technical assistance provider capacity limitations, LGAC recommends the establishment of a Circuit Rider Network, or set of networks, tailored to regional and/or state needs across the Chesapeake Bay watershed. Furthermore, LGAC recommends additional analysis be conducted as to whether a formalized Technical Assistance Collaborative is *feasible, realistic, and necessary*.

Establish a Network of Circuit Riders

There is overwhelming support for employing Circuit Riders to assist low capacity communities. CRs should be generalists who provide services to a discrete group of communities. This recommendation is based on the demonstrated success of Circuit Rider models identified across the watershed. See Appendix E for more information on these models which will be referenced in the state-level recommendations below.

Circuit Riders will benefit from having an opportunity to collaborate and support one another. This Network, or set of smaller networks, will increase the effectiveness of individual Circuit Riders by providing a forum for peer-to-peer exchange, support and shared services.

Individual Circuit Riders will serve as adjunct staff for one or more communities. Their job will be to supplement or build local staff capacity, depending on a particular community's needs/goals.

Circuit Riders help assess each community's needs, provide support and function as adjunct staff, and help secure outside services from specialists as needed.

Employing a Circuit Rider ensures that when specialists are brought in, the community is ready to engage those services.

During the breakout session, it was determined that characteristics of a circuit rider should be:

1. Problem Solver	2. Communicator	3. Trusted Source	4. Coordinator	5. Motivator

As a first step in implementing this recommendation, **each state will need to determine where gaps exist currently, and identify areas of critical need**. This must be done in order to determine how best to implement a network of CRs to meet local needs and help communities access technical services.

State-specific Recommendations

The initial next steps for each jurisdiction are general across the board. Each jurisdiction must first determine its current gaps and identify areas of critical need. LGAC recommends each state first assess the needs of its low capacity communities and determine whether additional funding be provided to build or expand a network of CRs. Once that is determined, LGAC recommends each state allocate existing state and federal funding to support the development of a CR program (see Appendix D for more information).

The state-specific recommendations shared below are meant to begin the conversation for each jurisdiction as they assess current gaps. Ultimately, this is a long term initiative for each jurisdiction to consider based on the specific needs, resources, existing partners and networks in place to support local governments in closing staffing and technical assistance gaps. LGAC believes that creating more robust CR networks to support local governments will in and of itself generate more opportunities, since many low capacity communities face staff capacity gaps that leave them unable to access specialized technical assistance. With CR networks in place, they can help these communities access services, getting more water quality projects on the ground.

Delaware: Delaware represents a small portion of the Watershed, and the low capacity communities in the state are typically run by one or two staff or volunteers. Communities have limited ability to pay for dedicated staff, thus LGAC does not recommend additional staff be added to fill the capacity gaps, unless it could be obtained by grant funding and housed at a state or regional agency. One thing noted in communications with DE WIP leads is the *high cost of engineering firms* that are contracted by small communities who do not have dedicated staff. If the high cost to contract with an engineer is **more** than the cost of hiring a CR (split by local, state, and federal funding), then this system should be reevaluated.

Delaware's Department of Natural Resources and Environmental Control (DNREC) should be an example for how state agencies can also serve as technical assistance providers, helping to fill general and technical gaps in low capacity communities.

Maryland: Maryland Sea Grant employs Watershed Restoration Specialists who support communities already, and have a hybrid set of skills that fall into the generalist *and* specialist categories. To meet the need of low capacity communities throughout the state, LGAC

recommends the number of staff on the ground serving as CRs be expanded (specifically one serving Western Maryland) within existing programs already in place. In addition to the Watershed Specialists, the Eastern Shore CR staffed by the Chesapeake Bay Foundation has seen great success. Since this is a grant-funded program, it is not sustainable over the long-term unless communities are willing to pay into supporting this role. The Eastern Shore CR and Eastern Shore Watershed Specialist both serve the needs of communities and complement each other's expertise and level of support they provide (one in more of a generalist role versus specialist role).

Since the Forum, many of the Maryland agencies who participated came together to brainstorm ideas about moving this initiative forward, and have taken it steps further and written letters to recommend improved technical assistance delivery to low capacity communities in the stormwater section of the draft WIP. LGAC fully supports the cooperative partnership that the state, regional, and NGOs have created in addressing technical assistance gaps and the efforts they've taken since the forum.

New York: New York plays a small but critical role in the Chesapeake Bay Watershed. The Otsego Circuit Rider Planner Program housed at the Otsego County Conservation Association is a prime example that should be used as a model in New York and other states. The specifics that make this staff person unique is that the local government pays a 50% rate for the service, while the other 50% is covered by the Association. The fact that communities pay for the service shows it is needed, and the community understands the benefits they receive. This role, like the Watershed Specialists, functions as both *generalist* and *specialist.*

The state should support agencies already serving to fill staff gaps like the Otsego County Conservation Association or the Upper Susquehanna Coalition, to name a few. The Upper Susquehanna Coalition serves across state boundaries in Northern Pennsylvania and southern New York, and is a great example of a group that has the capacity to house staff who support low capacity communities.

Pennsylvania: Pennsylvania has some of the greatest need to assess its technical capacity gaps in the watershed. There are many questions that remain in Pennsylvania, from the number of CRs needed to where they will be housed. Because of the sheer number of municipalities in PA, there needs to first be an assessment of the varying needs and the steps necessary to set up regional CR networks that serve many communities at once.

There exists examples in Pennsylvania that are models for communities who are willing to come together regionally and pay into a system where each receives the benefit and pays for its share. In Blair County, they utilize existing staff at the Conservation District whereas in York County the program is housed at the Planning Commission. LGAC recommends the state utilize existing examples and agencies to support CRs. Ultimately, the region usually has a preferred trusted source, and that should be taken into consideration as to where the CR(s) is housed.

Virginia: In Virginia, the number of CRs needed is still unknown, as the state is still early in the process of identifying gaps. The VA WIP leads shared that the Planning District Commissions (PDCs) have taken the lead on identifying the current gaps in technical assistance. LGAC supports the PDCs in this effort, and believes that the PDCs are the trusted sources on the ground working with communities and thus should be where CRs are housed. The state and

PDCs must work together to identify how many CRs are needed, and if CRs can work across PDC regions, among other specifics of implementation.

West Virginia: West Virginia could serve as a model for the other states with smaller portions in the Chesapeake Bay Watershed, like Delaware and New York. The Region 9 Planning & Development Council has a staff position who serves in a *generalist* capacity supporting multiple municipalities. This role has helped fill the staff capacity gaps that communities face, but in talking with the WV WIP leads it is clear that low capacity communities still face capacity gaps for generalized and specialized tasks. LGAC recommends that the state continue to assess its gaps and determine if the current staff should be expanded in order to more fully support low capacity communities and help them access technical services.

In addition to bolstering the current operations in West Virginia, in this corner of the watershed there is a lot of opportunity to create a CR network across state boundaries, specifically with Western Maryland.

Current (or Past) Circuit Rider Program Funding

LGAC staff conducted research prior to and after the Forum to better understand how existing programs are funded. The table below shows the annual cost of a CR program and/or staff person, and an average cost per staff person in a circuit rider (generalist) role based on the models in Appendix E. This information can serve as a starting point for states who identify the need to hire additional staff, but is limited due to information available. For more detailed information on what the program costs represent, see Appendix F.

Program/Title (state)	Annual Program (P) and/or Staff Cost (S)
York County Circuit Rider (Pilot) (PA)	$100,000 (P)
Eastern Shore Healthy Waters Circuit Rider (MD)	$140,167 (P)
Otsego Circuit Rider Planner Program (NY)	$35,000 (S)
Environmental Coordinator (WV)	$75,000 (P)
Watershed Restoration Specialists (MD)	$61,800[8] (S)
Blair County MS4 Collaborative (PA)	$100,000 (P)

It is up to the states to first identify the gaps at the local level, and then determine how to support communities through developing and/or expanding upon existing circuit rider programs. Each state needs to assess whether their existing federal funds from the Chesapeake Bay Program Office (CBPO) are being utilized. See Appendix D for the discussion and recommendations that came from the LGAC Quarterly Meeting in November 2018. During this meeting, LGAC recommended ways in which to bring greater transparency to local government

[8] Average costs for one specialist based on 2017 salary for each of the 5 specialists.

implementation funds, and strategies for implementation. LGAC recommends putting any underutilized state and federal funds into expanding circuit rider networks in areas of critical need. How this gets implemented will be up to each state once it identifies the need and number of staff required to fill staffing gaps and help communities access technical assistance.

LGAC continues to serve an advisory role to the Executive Council of the Chesapeake Bay Program on all matters related to local governments, and advocates for local implementation funds to be used for filling local staffing and technical assistance gaps.